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REPORT

OF THE

COMMISSIONER APPOINTED TO ENQUIRE INTO COMPLAINTS

RELATIVE TO THE

MANAGEMENT OF THE REGISTRY OFFICE

FOR THE

REGISTRATION DIVISION OF MONTREAL.

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GEO. FUTVOYE, Esq., COMMISSIONER.  
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OTTAWA:
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1867.

LETTER

REPORT

APPEND

A-V

B-C

C-F

D-F

E-C

F-T

G-F

H-I

I-C

J-T

K-J

L-S

M-C

N-F

O-C

P-P

Q-C

R-S

S-C

T-C

U-I

V-C

W-I

CONTENTS.

	PAGE.
LETTER OF TRANSMISSION	5
REPORT	7
APPENDIX:—	
A—Warrant to Visit Registry Offices	17
B—Commission to Enquire into Management of Montreal Registry Office	18
C—Petition for Investigation	19
D—Registrar's Answer to Petition	22
E—Commissioner's Letter to Registrar	24
F—Tabular Statement of State of Registers, November 23, 1866	25
G—Public Notice	26
H—Depositions taken by Commissioner	26
I—Correspondence with Registrar	59
J—Table of Contents of Registers to February 12, 1867	60
K—Judgment as to Residence of Registrar	61
L—Security Bond given by Registrar	66
M—Correspondence relating to Sureties of Registrar	67
N—Papers connected with C. Thibault's Complaint	73
O—Communications of Registrar to the Executive	77
P—Pleadings in case of Ryland & Ogilvy	82
Q—Correspondence with Register of the City of Boston	86
R—Statements of Mr. Lyman in Public Press	87
S—Correspondence with the Sheriff in Ogilvie's case	88
T—Correspondence with Deputy Inspector General	89
U—Letter of George W. Stephens, Esq.	90
V—Correspondence with Sheriff of Montreal	90
W—Letter to Mr. D. Pelletier	92

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OTTAWA, March 5th, 1867.

SIR,—Herewith I transmit, for the purpose of being submitted to His Excellency the Administrator of the Government, my Report of the result of an Enquiry into the Management of the Registry Office for the Registration Division of Montreal, made under the Commission forwarded to me with your letter of the 6th November last.

I return the Petition and Documents which accompanied your letter.

I have the honor to be, Sir,

Your most obedient servant,

GEO. FUTVOYE.

ET. PARENT, Esq.,

Assistant Secretary,

Ottawa

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*To His Excellency Sir JOHN MICHEL, K.C.B., Administrator of the
Government of the Province of Canada, and Lieutenant-General
Commanding Her Majesty's Forces therein, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY:—

Being authorised by a Commission (B) granted by His Excellency the Governor General, under the provisions of the thirteenth chapter of the Consolidated Statutes of Canada, appointing me a Commissioner, to hold an enquiry into a complaint against the alleged mismanagement of the Registry Office for the Registration Division of Montreal, made by petition (C), signed by certain members of the Board of Trade, Merchants and others of the City of Montreal, and having received instructions to visit that Registry Office, by the authority of the warrant (A), which I hold under the provisions of the ninety-third and one hundred and eleventh sections of the thirty-seventh chapter of the Consolidated Statutes for Lower Canada, I have the honor of submitting one Report of the result of that ENQUIRY, and of that VISIT OF INSPECTION.

Before proceeding to Montreal, I notified the Registrar of my intention of acting in that double capacity, as shown by my letter (E), and immediately on my arrival at the City of Montreal, on the 22nd November last, I prepared a statement of the then state of the various Registers in that office, shewing the progress that had been made since my visit in 1862 (*See Table (F) attached to this Report*).

The last document registered on the 23rd November, 1866, bore the No. 45,512. The last deed then transcribed into the Register of "Deeds of Alienation and Conveyance" (Register B. Vol. 91) was 44,700, registered on 4th August, 1866; the last in the volume of "Obligations, &c." (Register B., Vol. 90) was 44,745, registered on August 10, 1866, and the last in the volume of "Judgments, &c." (Register B. C., Vol. 4) was 45,216,

registered on the 15th of October last, thus making the greatest delay *three months and nineteen days*, and leaving arrears of 812 instruments, apparently, but deducting the number of other documents entered in other registers (38), leaving but 774.

On examining the number of untranscribed documents, besides "Sales" and "Obligations," I found them to be as follows :—

Memorials.....	5
Wills.....	45
Marriage Contracts.....	55
Partnerships.....	98
Discharges.....	220

I then summoned to appear before me, by individual notices, all the signers of the above petition, amounting to two hundred and fifty.

As few of the complainants attended to substantiate the complaint made by them, or to give such information as might lead me to judge how far their complaints were founded, I called upon such persons, professional and others, but more particularly the former, as appeared to me to be able, from their frequent intercourse with the Registry Office, to afford me information and give their views on the management of it.

To afford an opportunity to all persons having an interest in the proper conduct of those charged with the execution of the Registration system in so important, populous and wealthy a Division as Montreal, I inserted in all the city newspapers a notice of my desire to obtain, if possible, further information, and I thereby called on all persons desirous of giving evidence or information in relation to the enquiry being made by me to attend within a certain day (G). By the evidence afforded by those whose depositions are hereunto annexed, (H) the principal ground of complaint was of the great *delay* in obtaining from the Registry Office documents there deposited for Registration and transcription. The greater number of these deponents, on being made acquainted with the provisions of the Registry Law, more particularly the 64th section, (being section 2 of chap. 48 of the 12th Vic., passed in 1849, in amendment to the original Registry Act, 4 Vic., cap. 30, to give greater facility to Registration in the cities of Montreal and Quebec, and to remove the *great inconvenience* resulting from strictly carrying into force part of that Ordinance) which allows the use of a certain but still limited number of Registers, were satisfied that such delay was not to be attributed to any negligence on the part of the Registrar or his subordinates, but to the requirements of that Act by which the number of Registers, in which may be entered each of the various classes of deeds to be registered, is limited to one, and necessarily restricts the progress to be made thereon to the speed with which one writer can copy into the same. By the above mentioned 64th section it is enacted that

"The Registrars of the Registration Divisions of Quebec and Montreal may keep "separate books and Registers for the registration at full length of:

"*First.*—Bonds, recognizances and other securities and obligations in favor of the Crown, *Wills and Testaments*, and probates or office copies of wills and testaments.

"*Second.*—Marriage contracts and donations.

"*Third.*—Appointments of tutors and curators, *judgments*, and judicial Acts and proceedings.

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"Fourth.—Deeds of alienation and conveyance (*titres translatifs de propriété*) not being of any of the classes hereinbefore mentioned, including exchanges and leases for nine years or upwards, and deeds of partition.

"Fifth.—Deeds, instruments and writings creating mortgages, hypothecs or charges, and not being of any of the classes hereinbefore mentioned.

"Sixth.—All other deeds, instruments and writing not being of any of the classes hereinbefore mentioned;

"And the registration thereof at full length in *such books respectively* shall be valid to all intents."

All the books allowed by the above provision of law are kept and used by the Registrar of the Registration Division of Montreal.

If, then, the object of the petition in question be regarded as a complaint against the Registrar himself, the statement in the various depositions herewith submitted (H) combined with the circumstance of a large majority of the signers to that petition having failed or declined to put before me any proof to the contrary, cannot but lead me to the conclusion that there exists no well-founded ground of complaint against the Registrar personally on *that score*.

Among those who expressed, from their close connection with the Registry Office, their views of its management (and among them are the leading Notaries of Montreal, whose business transactions with the Registry Office are more numerous than those of any other class) a large number assert that they have no complaint to make (*Depositions* 1, 2, 4, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 24, 27, 28, 32, 33, 35, 36, 38, 39, 40, 41, 45, 47, 48, 52, and 53,) against the Registrar; while others, still more numerous, confine their complaints to the delay (*Depositions* 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 37, 39, 41, 43, 44, 52, 53, 54, 58, 63, and 64), and nearly all admit that they have never suffered, nor are they aware of any loss from inaccuracy in Registration, or error in Certificates of Search (*Depositions* 1 to 8, 10, 14 to 18, 21, 27, 28, 30, 31, 33, 34, 36, 45, 47, 48, 52, 53, and 63).

The *only* case in which any loss, occasioned by the length of the delay complained of, is that mentioned in the Deposition (No. 20) of Henry Lyman, Esquire, who, as therein alleged, failed to receive a half year's interest for some days after it was due; but that delay is not attributable to any negligence on the part of the Registrar.

After a close and minute inspection of the Registers, Books, Indexes and Papers, in and appertaining to the Registry Office of the Registration Division of Montreal, I am enabled to report on the state of them, how far the requirements of Chap. 37 of the Consolidated Statutes for Lower Canada, have been observed, and to offer my remarks on the various points of the petition submitted to me for enquiry into the complaints thereby made. The length of those remarks, in the report itself, is considerably abridged by the references which I make to the various depositions and statements to be found in the Appendix (H) and the notes, remarks and references made at the foot of them respectively, when necessary, to throw light on the allegations contained in them.

I stated in my report of 1862, (*Appendix to Journals of the Legislative Assembly for 1863. Sessional Papers, No. 60, vol. 5.*)—"The Registers for *Notices of property intended to be bound*, and for *Renewal of Hypothecs*, as ordered by the 48th and 49th

sections of the Registry Act, have not yet been procured for the Registry Office of the Registration Division of Montreal, consequently there is no index required by the 50th section "to be kept and written up *daily*." These additional Registers are still wanting.

For the continued absence of these volumes, the Registrar, in reply to a written communication from me (I), states:—

"The requirements of the 48th section of the Registry Law, have been carried out with this slight difference, that whereas all general mortgages are created by Judgments of Court and *Actes of Tutelle*, to which the notices, when deposited for registration, are invariably attached, I have considered it best to enregister both in the book kept for the special purpose, as affording greater facility of reference; as regards the 49th section there have been as yet no renewals, consequently the law, as regards those instruments, is still, in a measure, a dead letter." (Vide letter of Registrar, of Jan. 22, 1867 (I. 2).

Since the above report many registers, more than forty, have been filled, as shown by the following:—

REGISTER A.

For Registration of Memorials.

The second volume, which in February, 1862, extended to 1308, is now made up to 1453, that being the number of the last deed registered by memorial on November 16, 1866.

REGISTER B.

For documents entered at full length, either Deeds of alienation and conveyance, or Deeds creating mortgages.

Documents of the above classes, extending over 31 volumes, have since 1862, been transcribed, the volumes now in use being No. 92, for "Sales, &c.," and No. 93 for "Obligations, &c." The last transcribed into the former being No. 45,558, registered December 3rd, 1866, and the last transcribed into the latter being 45,660, registered Dec. 15, 1866.

REGISTER B A.

For the Registration of Wills, &c.

This register embracing, in 1862, three volumes, in the last of which the last entry bore No. 32,404, now extends to the fifth volume, in which the last document entered bears No. 45,817, registered on the 8th January, 1867.

REGISTER B B.

For Marriage Contracts, &c.

This Register which in March, 1862 showed No. 32,417 in the sixth volume, as the last marriage contract therein transcribed, now extends to volume 9, the last document in which is No. 45,956, registered January 22, 1867.

REGISTER B C.

For Judgments, Judicial Acts, &c.

One volume, No. 4, has been added to this class. It now ends with 45,719, registered December 21, 1866.

REGISTER D.

For the Registration of Debentures, &c.

No entries have been made, none being so required by law, since the enregistration of the Debentures of the St. Lawrence and Atlantic Railroad Company in August, 1861.

REGISTER D OF C.

For Declaration of Co-Partnership.

Since the 11th March, 1862, date of the last entry (1557) mentioned in my last report, a larger number of these Declarations have been enregistered than had there been since the passing of the Act 12 Vic., cap. 45, which requires such registration, as the number of the last document registered December, 11, 1866, is 3,149 making 1,592 registered in *three years and nine months*, while only 1,517 had been enregistered during the previous *thirteen years*.

This increase is to be attributed not only to the enlargement of the trade of the city, but to the Act having been more generally carried out by its provisions being made more generally known by the fine for disregarding it having been in several instances sued for and recovered.

The above cited entries are those which I found on leaving the Registry Office on the 12th February, 1867, when all the documents which, on the 23rd November last, remained untranscribed, had been duly entered. (See Table J.)

By this table, and by the foregoing remarks on the state of the various registers, it is shown that the last document transcribed in Register B, Vol. 92, was 45,558; that in Vol. 93, 45,660; that in Register B A, Vol. 5, 45,817; that in Register B B, Vol. 9, 45,966, and that in Register B C, Vol. 4, 45,719; and as the last document deposited for registration on that day bears the No. 46,108, about five hundred documents remain for transcription, and the delay is now about three months.

In all the volumes since 1861, the day of the month and the year continue to be entered in figures, and none of the notes in the margin are signed by the Registrar or his Deputy. The Registrar continues to hold the opinion, said to be furnished by his Legal Adviser, that as the law does not, in express terms, state that such notes in the margin are to bear the signature of the Registrar or his Deputy, or that the dates are to be written at *full length*, he is not bound by the form furnished by the Government at the time the Registry Ordinance came into force. This failure to sign the marginal notes and to give the dates at full length commenced only in 1856, previously to which time the prescribed form was carefully followed by the same Registrar or his Deputy. The terms of the law (4 Vict. Chap. 80, Sec. 19, now Section 60 of Chapter 37 of the Consolidated Statutes for Lower Canada) are simply that "the day, month, year and hour *shall be entered* in the margin of the proper Register." This being a duty imposed on the Registrar, it appears to me that some proof is needed that it has been performed, and that no better proof can be afforded than by such entries being attested by the signature of the Registrar or his Deputy, in the form prescribed by the Government, and followed, with this exception, by all the Registrars, whose offices I have inspected. Any doubt, however, if such can reasonably exist, as to the extent of the obligation on the part of the Registrar, may be easily removed by a legislative provision similar to that contained in the 54th section

of the present Upper Canada Registry Act (29 Vict. Cap. 24), "that the certain year, month, day, hour and minute, shall be entered in the margin of the Register Books, and such entry *shall be signed* by the Registrar or his Deputy." To this might be added, if the judgment of the Courts of Lower Canada, as to the use of figures be not considered sufficient, a further provision that such dates and time should be written at *full length*; and to secure some proof that the transcribed copy has been compared with the original, of which, at present, no proof is afforded in the Registers of Lower Canada, that such signature has been affixed, after due comparison with the document deposited for registration.

As mentioned in my report of 1862, the Registrar was then and I believe was for some time after sojourning, though not permanently, a large proportion of the year beyond the limits prescribed by the 103rd section of the Registry Law, namely, five leagues from the office, but as such is no longer the case, it is needless for me to do more than to allude to the impropriety of such a deviation from the strict letter of the law. Proof of Mr. Ryland's residence in the City of Montreal for some time past is to be found in the Judgment of the Superior Court, with the affidavits on which that judgment was rendered, on the application by the defendant in the case of *RYLAND vs. OGILVY*, for security for costs, on the ground of the plaintiff not being a resident in Lower Canada: (Vide K), and his *present* residence, with his family, in the City of Montreal is now notorious.

With reference to the 5th paragraph of the petition relating to the security to be given by the Registrar, the 102nd section of the Registry Law amply provides for the number of sureties which are to be approved by the Governor. On my report of 1862 drawing the attention of the Executive to the fact that the Registrar was then, as he had been for some time, without sureties, the gentlemen who became such being deceased, a correspondence was immediately entered into with the Registrar requiring him to supply other sureties, and two gentlemen (MM. DeMontenach & Doutre) who, from the extent of their property, as shown upon diligent enquiry, were considered sufficient, were approved of by the Governor as such new sureties, and a Bond (L) was accordingly given by them jointly with the Registrar, on the 8th of May, 1863. Since that date one of those gentlemen (Mr. Doutre) has withdrawn from that responsibility. A perusal of Appendix M will show Mr. Ryland's position in that particular.

As regards the regularity of attendance by the Registrar and his Deputy, during the office hours prescribed by law, I have been unable to discover that there is any good ground of complaint of non-compliance with the requirements of the law on that point; while on the contrary several professional gentlemen and others, who have frequent and almost daily intercourse with that office, have volunteered to depose that the attendance of those gentlemen has been regular; this is confirmed by my personal observation during the period that the investigation with which I have been charged rendered necessary my sojourn in Montreal. The attendance of the clerks, numbering six, besides the Deputy Registrar, is shown by their depositions taken separately, and of each without the knowledge of the others (Depositions 59, 60, 61, 62 and 65). Their regularity and assiduity in the performance of their duties is deserving of notice. The demeanor of one of the subordinates, having been alluded to in the deposition of Geo. W. Stephens, Esq., I cannot but

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Appendix M

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express my belief, which is confirmed by the conduct of the same individual while I was engaged in inspecting the Registry Offices in 1862, that Mr. Stephens' complaint *on that ground* is not unfounded, but as that person has since left Mr. Ryland's employ, it is unnecessary to enlarge on that part of the subject. To render justice, however, to Mr. Ryland, I must not fail to remark, as I have learned with satisfaction, that whenever the improper conduct of any one of his employees *has been made known to him*, he has lost no time in dispensing with his services.

The case of ill-treatment, mentioned by Mr. Stephens, of a young French law-student (Depos. 46), having already been investigated and disposed of, a mere reference to the correspondence (N.) connected with the case will, I trust, be sufficient. The discrepancy, however, between Mr. Thibault's letters in the public press, and his statement under oath, and the agreement (Depos. 54) of the latter with the Registrar's explanations is suggestive.

A reference to the deposition of David Pelletier (No. 55), and that of W. H. Ryland, Esq. (No. 66), together with the statement of John William Hopkins, Esq., a professional Architect, will afford proof of the extent to which prejudice may be carried, and how far the human imagination, when under the influence or control of prejudice, may be stretched.

"That," as stated by the Petition, "The Registry Office is of such importance to the public that the Registrar should not be allowed to trifle with the provisions of the Act regulating it," there can be no doubt; but lest the above part of the Petition (widely circulated since it was submitted to the Government, in a printed form, with all the names that were attached to the original, and many since added) should be so interpreted as to leave an impression that such has been the case, I have attached to this Report copy of the communications handed to me by the Registrar, which had, during many years past, been made by him to the Executive on the state of his office and the working there of the Registry Law, shewing his anxiety that his office should afford every possible facility to the public in carrying out the object of that Act, and urging such amendments as to him, in his long experience as a Registrar, appeared to have become necessary, and to be desirable. (See Appendix O.)

So desirous has the Registrar been that the management of his office should be such that no person could justly complain of it; and so determined that any unjust complaint should not pass unnoticed, that on any occasion when (by whatever motive it may have been suggested) any attack has been made thereon in the public press, he has lost no time in tracing out the authors of any such attack, to submit it to a legally constituted tribunal to judge of its merits. In January, 1866, a letter, signed "A Merchant," appeared in the "Montreal Herald," commenting on the state of the Registry Office, and referring to an article which had appeared in that paper on the 14th December, 1865, relating to C. Thibault's complaint, which had already been investigated by the Government and disposed of. The proprietors of that journal, at the request of Mr. Ryland, unhesitatingly and politely gave up the name of the "Merchant" as John Ogilvy, and the Registrar instituted against him an action of damages, the pleadings in which case are to be found in Appendix (P). This appears to be the case mentioned in Mr. Ryland's answer to the petition (D). On this subject, I think it would be out of place for me to enlarge.

With respect to the fees for Registration, no complaint has been made of a deviation from the Tariff regulating them, and indeed such could seldom occur, as the large majority of Deeds registered are deposited by the Notaries who execute them, and who generally calculate, before bringing them, the exact amount to be paid. I have seized several opportunities for testing the correctness of such charges made to individuals bringing their own deeds, and have found them to be scrupulously correct. Some difference of opinion has existed as to the charges for searches (See Depositions 12 and 47), and on certificates on Sheriff's sales; but as by the 25 Vic., cap. 11, sec. 6, the Registrar has been declared "to be and to have been an Officer of the Court, in which any certificates granted by law" is filed, so far as regards all his acts and duties with regard to such certificates and all matters relating thereto, and as regards the taxation of his fees or costs for any service rendered, or thing done by him with respect to such certificate, whenever such fees or costs are contested," I have considered it beyond the scope of my duties to interfere with, or express an opinion on such points, leaving to the proper tribunal the exercise of its powers.

The delay in the transcription of Deeds, which, as stated in the deposition of Théod Doucet, Esq., (No. 3), one of the leading Notaries of the City of Montreal, was much greater before last spring than at present, has been accounted for by the great and unremunerative labor imposed on the Registrar in preparing the tickets required to be deposited in the Ballot Box, under the provisions of the Militia Act, 27 Vic., cap. 2, sec. 23, &c. This work is stated by the Registrar to have taken the whole staff of his establishment from their ordinary occupation such a length of time as to throw the transcription in the office in arrear to a much greater extent than the ordinary working of the present system generally keeps it. To remedy the usual delay occasioned as before stated, by the limited number of Registers that can legally be in use at the same time, I would suggest that, for deeds of the classes mentioned in each of the *Fourth* and *Fifth* paragraphs of the 64th section of the Registry Law, permission be given to the Registrars of Montreal and Quebec to have in use at the same time two or more volumes, but that the transcription therein be so arranged that neither volume shall be more in advance of the other, than by the document registered immediately after that in course of transcription in the other. If it be considered that such authority cannot be granted under the provisions of the 106th section of the Registry Law, no time should be lost in obtaining such authority from the Legislature. This change, with the great advantages to be derived from the plans and books of reference already ordered by the 68th section of the Registry Law, "*for the more effectual working of that Act*," will, in a great measure, afford a remedy for the evils complained of.

The tardy execution of the above wholesome Statutory Provisions, made for improving the Registration System, has caused those intended improvements to be lost sight of, and the very amendments which have now the sanction of the law are those suggested by many of the deponents. Those who are aware of the existence of such legislative provisions, urge that immediate effect should be given to them as regards the Registration Division of Montreal. F. W. Torrance, Esquire, Advocate, one of the professors of Law at the McGill University, a gentleman, who, as shown by his deposition (No. 45), has had much to do with the Registry Office, and is, as a large mortgage creditor, deeply interested in the well working of the Registration System, says:—"The change contemplated in

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"this system by the preparation of plans and books of reference, would be of immense benefit to all having any interest in real estate; but such a change should be made with *the least possible delay*, and no expense should be spared to effect it *at once*." I cannot too urgently recommend that to the Registration Division of Montreal there should be extended, in the *early* preparation of such plans and books of reference, every preference to which its extent, wealth and importance would seem to entitle it.

An opinion is enunciated in the petition submitted to me "that no document should be retained in the Office for Registration over 15 days," and "that the Registrar should make *such arrangements* in his office, that no document will take more than that time to effect their registration." However desirable it may be that documents deposited for Registration should be returned in a less time than they are now detained in the Registrar's Office, I cannot conceive of any plan by which the desire of the Petitioners could be effectually and invariably carried out, affording at the same time, to the parties interested, the same *safety and security*, which are guaranteed by the present system of Registration. Were the Registers completed to any given date, they are liable, under the present system, to fall, in a few hours, into such arrear as could not be worked up in that delay. A practice has long obtained, and still obtains among the Notaries of the City of Montreal, to allow Deeds executed before them to accumulate until the last day of the period, within which, by law, they are required to be registered, when of the nature to which that part of the law applies, and then to deposit them with the Registrar for registration. It has occurred that in one day, so large a number of Deeds, in some cases amounting to more than 200, has been presented, as would occupy many weeks to transcribe. I have seen one Notary deposit for registration, at the same time, *forty-six* documents for registration, and another gentleman of the same profession withdraw from the office *sixty-eight* documents, left there for registration some months previously, at or about the same time. As to arrangements being made by the Registrar to effect the above desired speed, an acquaintance with the provisions of the Registry Law, would satisfy any one that no such discretionary power is given to the Registrar.

Many remedies have been suggested to cure the evil complained of; among them, perhaps, the best is that suggested by the Registrar himself, in his letter of the 17th January, 1862, namely: "that all Notaries after a given fixed period, be compelled to prepare their Deeds on stamped paper of uniform size, to be supplied by the Government, and that in all cases where registration is necessary, it should be compulsory on every Notary to furnish the Registrar with duplicate copies, on both of which the Registrar should at once affix a corresponding number, with a certificate of registration on one copy, to be returned to the party enregistering; the other copy to remain in the office on record, and that the Registrar should, whenever a sufficient number of documents have been deposited to form a volume, cause them to be bound together and authenticated, as at present, by the Prothonotary." (See Q, 6).

It has been suggested by Mr. George H. Frothingham, and others, that the system adopted in the City of Boston, would cause business to be expedited in even a shorter time than that desired by the Petitioners, but from the information I obtained from the Register of the City of Boston, it appears that such is not the case, and after a perusal of his letter (Q, 2), and on examination of the system in operation in that city, it will be

readily discovered that the *security* thereby offered is far less than that afforded by the Lower Canada Registry Law.

Both of the above plans to be carried into effect, either by the Original being on, or transcribed into loose, flying sheets of paper, to be afterwards bound together, are fraught with danger, by leaving in the hands of the Registrar the exercise of a power which might or might not be faithfully exercised.

During my examination of the registers in the office of the Registration Division of Montreal, it came to my knowledge that a number of documents transcribed into the Registers do not on the face of them bear that mark of authenticity which, notwithstanding the provisions of the latter part of the 20th section of the Registry Law, would constitute copies of them, documents of equal validity as the originals, because they do not bear the signature of the Notary in whose office the original remains of record. To obviate this evil practice, which may exist in other Registration Divisions, I would suggest that Registrars be prohibited from receiving for registration any document not affording on the face of it proof of its being one admissible to registration.

The Registry Law of Upper Canada defines the various documents which may be enregistered. A similar provision should be extended to Lower Canada.

Notwithstanding I do not consider it a duty imposed on me by either the Commission or the Warrant hereinbefore mentioned, to make any suggestions for the improvement of the Registry Law, so often amended by the Legislature, yet as in the Petition embodying the complaint which I have been ordered to investigate, a desire is expressed that suggestions for the better management of the office should be made, with such amendments to the Act as may seem important, I have, in reviewing the various matters commented on by that Petition, made such remarks as may be considered to meet the views of the Petitioners.

These suggestions I beg to recapitulate and urgently to bring under the serious consideration of Your Excellency and his advisers.

They will be found to amount in substance to the following:—

1st. That the form and mode of making marginal notes in the Registers should be established by legislative enactment.

2nd. That provision should, without delay, be made for the renewal and consolidation of all the past Indexes.

3rd. That the number of books for the entry of the class of deeds mentioned in the "fourth" and "fifth" paragraphs of the 64th section of the Registry Law be extended to two or more.

4th. That the plans and books of reference for the Registration Division of Montreal be completed as soon as possible.

5th. That the instruments and proceedings that may be received by the Registrars for registration be defined by law.

All which is respectfully submitted, by Your Excellency's most obedient humble servant.

GEO. FUTVOYE,
Commissioner.

Ottawa, Feb. 23rd, 1867.

APPENDIX.

- A—Warrant to visit Registry Offices.
- B—Commission to enquire into management of Montreal Registry Office.
- C—Petition for investigation.
- D—Registrar's answer to Petition.
- E—Commissioner's letter to Registrar.
- F—Tabular Statement of state of Registers, November 23, 1866.
- G—Public Notice.
- H—Depositions taken by Commissioner.
- I—Correspondence with Registrar.
- J—Table of contents of Registers to February 12, 1867.
- K—Judgment as to residence of Registrar.
- L—Security Bond given by Registrar.
- M—Correspondence relating to sureties of Registrar.
- N—Papers connected with C. Thibault's complaint.
- O—Communications of Registrar to the Executive.
- P—Pleadings in case of *Ryland vs. Ogilvy*.
- Q—Correspondence with Register of the City of Boston.
- R—Statements of Mr. Lyman in public press.
- S—Correspondence with the Sheriff in *Ogilvie's* case.
- T—Correspondence with Deputy Inspector-General.
- U—Letter of George W. Stephens, Esq.
- V—Correspondence with Sheriff of Montreal.
- W—Letter to Mr. D. Pelletier.

(A)

PROVINCE OF CANADA.

His Excellency the Right Honorable CHARLES STANLEY, VISCOUNT MONCK, Baron Monck of Ballytramon, in the County of Wexford, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward and Vice-Admiral of the same, &c., &c., &c.

To George Fuvoye, of the City of Quebec, Esquire, Advocate,

GREETING :

Know You that, confiding in your loyalty, integrity and ability, I, CHARLES STANLEY VISCOUNT MONCK, being Governor General of the Province of Canada, do hereby and

under the authority in me vested by the ninety-third and one hundred and eleventh sections of the thirty-seventh Chapter of the Consolidated Statutes for Lower Canada, require and appoint you, the said George Futvoye, to visit the several Registry Offices in Lower Canada, and to enquire into the condition of such offices, and the registers, books, indexes, memorials, documents and the papers therein, appertaining to such offices, respectively, and to ascertain whether the provisions of the said Act are therein executed, according to such instructions as you may receive from the Honorable the Attorney General for Lower Canada; and I do hereby require that you do report from time to time, in writing, the result of the above mentioned enquiries to the Governor of the said Province.

GIVEN under my Hand and Seal at Arms, at the Government House, in the City of QUEBEC, in the said Province, this TWENTIETH day of MAY, in the year of our Lord, one thousand eight hundred and sixty-two, and in the Twenty-fifth year of Her Majesty's Reign.

By Command,
CHARLES ALLEYN, *Secretary.*

MONCK.

(B)

SECRETARY'S OFFICE,
Ottawa, 6th November, 1866.

SIR,—I have the honor to transmit to you herewith, a Commission appointing you Commissioner to enquire into complaints preferred against George H. Ryland, Esq., Registrar of the Registration Division of Montreal.

I also enclose the papers preferring the complaint, which you will be good enough to return, when done with.

I will thank you for an acknowledgment of the receipt of this letter and of its contents.

I have the honor to be, Sir,
Your most obedient servant,

GEORGE FUTVOYE, Esq., Montreal.

E. PARENT,
Assist. Secretary.

PROVINCE OF CANADA.

His Excellency The Right Honorable CHARLES STANLEY, VISCOUNT MONCK, Baron Monck of Ballytrammion, in the County of Wexford, in the Peerage of Ireland, and Baron Monck of Ballytrammion, in the County of Wexford, in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

To all to whom these Presents shall come, or whom the same may in anywise concern,

GREETING :

WHEREAS certain complaints have been preferred against George Herman Ryland, Esquire, Registrar for the Registration Division of Montreal; Now KNOW YE, that under and pursuant to the provisions of the thirteenth Chapter of the Consolidated Statutes of Canada, intituled, "An Act respecting enquiries concerning Public Matters and Official Notices," the authority in me thereby vested and by and with the advice and consent of Her Majesty's Executive Council, for the said Province, I have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint

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GEORGE FUTVOYE, of the City of Ottawa, in the County of Carleton, Esquire, to be Commissioner to enquire into the said complaints, and I do hereby authorize and empower him, the said George Futvoye as such Commissioner, to summon before him any party or witnesses, and to require them to give evidence on oath, orally or in writing (or on solemn affirmation, if such parties be entitled to affirm in civil matters), and to produce such documents and things, as he, the said George Futvoye, may deem requisite to the full investigation of the matters and things aforesaid. To have and to hold the said Office of Commissioner, for the purposes aforesaid unto him, the said George Futvoye, during pleasure; and I do hereby require that the said Commissioner do report the result of the above mentioned investigation with all convenient speed to the Governor of the said Province for the time being.

Given under my Hand and Seal at Arms, at Ottawa, this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and sixty-six, and in the Thirtieth year of Her Majesty's Reign.

By Command,

E. A. MEREDITH, *Assist. Secretary.*

MONCK.

(Endorsed.)

I do hereby certify that the within named George Futvoye, Esquire, personally appeared before me this day and took and subscribed the oath of Office, as Commissioner to enquire into complaints against George H. Ryland, Registrar of the Registration Division of Montreal.

Montreal, 23rd Nov., 1866,

C. E. SCHILLER,
Com. per Ded. Pot.

(C)

To His Excellency the Right Honorable CHARLES STANLEY VISCOUNT MONCK, Governor General of British North America, &c., &c., &c.

The Petition of the Members of the Board of Trade, Merchants and other citizens of Montreal,

RESPECTFULLY SHEWETH :

First.—That the management of the Registry Office for the Registration Division of Montreal, is the cause of much anxiety to your Petitioners, property holders, purchasers of property and lenders of money on mortgage, as well as to all who have occasion to Register documents under the provisions of Cap. 37 of the Consolidated Statutes of Lower Canada, intituled, "An Act respecting the Registration of titles to or charges upon real estate, the law of hypothecs, the dower and property of married women and the conveyance of soccage lands."

Second.—That your Petitioners are informed that documents sent for Registration are not registered for six to eight months after the time they are lodged at the office, causing a feeling of insecurity and doubt whether Registration will follow in the order intended by the above mentioned Act, and are of opinion that no document should be retained in the office for Registration over fifteen days, and that the Registrar should make such arrangements in his office that no document will take more than that time to effect the enregistration, and if that cannot be done in the form required by the said Act, that the Act should be so amended that it can be accomplished.

Third.—That by the 103rd section of the above mentioned Act, it is provided that "Every Registrar shall reside within five leagues of his office," in contravention of which the Registrar of Montreal has been living at Picton, in Canada West, a distance of 80 leagues from this city.

Fourth.—That by a report furnished by George Futvoye, Esq., to your Excellency, on the condition of the Registry Office of Montreal, in 1862, it was shown that the Registrar

had neglected the requirements of the 48, 49, 60, 61, 62, 91, 103 and 107th sections of the said Act.

Fifth.—That your Petitioners believe that the security for the Registrar should be increased to four persons, the number limited by the 102nd section of the said Act, who should be approved of yearly, or that they should justify on real estate so that the security may be made permanent.

Sixth.—That the office is of such importance to the public, that the Registrar should not be allowed to trifle with the provisions of the Act regulating his office, and that his attendance at his office should be in strict conformity with the said Act.

Seventh.—That it is desirable that a Commission be appointed to enquire into the working of the Registry Office of the Registration Division of Montreal, and to report whether the present Registrar continues to neglect any of the requirements of the said Act, and that, in the opinion of Your Petitioners, such Commission should consist of two Attorneys, two Notaries, and two Merchants, who should make suggestions for the better management of the Office, and such amendments to the Act as they may deem important.

Wherefore, generally and more specially for the reasons herein set forth, Your Petitioners respectfully pray Your Excellency to cause such a Commission to be issued, and such amendments to be made on the aforesaid Act, as will allay the general feeling of dissatisfaction in the community, and place the management of the Office on a safe and reliable footing with as little delay as possible.

And your Petitioners, as in duty bound, will ever pray.

(No date.)*

H. Stephens.

William Workman.

John Frothingham.

Hugh Allan.

William Molson.

John H. R. Molson.

Wm. Murray.

John Sinclair.

Edw. M. Hopkins.

A. Cross.

George N. Frothingham.

Thomas Workman.

David Torrance.

H. Sache.

J. W. Baker.

Henry Mulholland.

Samuel Burland.

John Taylor.

N. S. Whitney.

J. McLennan, President Board of Trade.

W. Darling.

D. Masson.

D. Masson & Co.

Wm. F. Lighthall, N. P.

L. Belanger.

Amable Prevost.

E. Girouard.

E. H. Isaacson.

Walter Macfarlan.

Thomas D. Proctor.

John B. Helliwell.

J. E. Mullin.

Walter Macfarlan.

Wm. Stephen & Co.

J. Redpath.

Louis Boyer.

Louis Boyer, Fils.

Habt. Paré.

Thomas R. Johnson.

W. A. Connolly.

Robert Leckie.

John Sterling.

Archd. Laurie.

Wm. Benjamin.

Gordon G. Mackenzie.

W. H. Clare.

George Winks.

George Ringland.

John Ewart.

James Douglas.

W. & R. Muir.

William Dow.

James G. Hill.

Wm. Adams, Jr.

Henry Lyman, Treas'r. Board of Trade.

James Law.

F. Macculloch.

J. Baralou.

G. D. Ferrier.

Jeffery, Bros. & Co.

Hugh Fraser.

Geo. Hagar.

H. A. Nelson.

E. N. Greene.

W. W. Ryan.

Thomas Rimmer.

J. Fairbairn.

C. A. Starke.

* Vide deposition No. 30.

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C. P. Davidson.
John J. Arnton.
W. Darling & Co.
Andrew Macfarlane & Co.
T. Crathern.
Foulds & Hodgson.
Fitzpatrick & Moore.
A. Walker.
Stevenson, Sutherland & Co.
Thomas Mussen.
Villeneuve & Lacaille.
John Thompson.
C. O. Beauchemin & Valois.
Z. Chapelleau.
Eus. Senécal.
J. B. Rolland.
A. A. Wilson.
Sancer & Frère.
David Morrison.
Fr. Leclair.
J. H. Joseph.
J. D. Rolland.
A. Gelinas.
T. H. Galarneau.
John Pratt.
Thomas Wilson.
O. Berthelet.
A. Larocque.
A. Lusignan.
Joseph Grenier.
Albert Furniss.
T. Tiffin.
William Macdougall.
C. & L. Dubois.
Alex. Buntin & Co.
William Minchin & Co.
Ira Gould.
J. E. Kirkpatrick.
Nelson Davis.
Phillips & Co.
Leeming & Buchanan.
D. Butters.
Thomas May & Co.
Wm. Nivin & Co.
R. S. Oliver.
A. W. Ogilvie & Co.
Thomas A. Crane.
Thomas Watson.
G. F. Prowse.
David Brown.
William Ross.
E. Lyman Mills.
Thomas Caverhill.
B. & S. H. Thompson.
William Hobbs.
Thomas Gordon.
Andrew Hayes.
Lyman, Clare & Co.

Robert Simms & Co.
G. & D. Shaw.
M. Laing.
D. P. Jones.
James E. Major.
Robert Anderson.
J. L. Beaudry.
John Elliott.
A. Dubord.
Pierre Hudon.
Nar. Valois.
J. A. Gravel.
Ferdinand Perrin.
Henry & Swain.
Adolphe Roy & Co.
N. B. Desmarais.
J. Leclair.
L. J. Beliveau.
Jer. Grenier.
G. L. Rolland.
Joseph Tiffin.
Kerry, Bros. & Crathern.
A. Baird.
A. Laurie & Co.
James McDougall.
John Greenshield.
Joseph Walker.
Andrew Law.
W. E. Phillips.
Geo. W. Benton.
Philip H. Holland.
James Mitchell.
E. F. Ames.
Thomas Leeming.
John Whyte, Official Assignee.
John Plimsoll, do
James Court, do
L. Beaudry, Manager Estate Masson.
L. Marchand.
Edwin Atwater.
Charles H. Gould.
Walter H. Warner.
Geo. P. Brush.
Theodore Hart.
Alexander Mitchell.
John Rankin.
John Rhymas.
James Hutton.
M. H. Cochrane.
Hugh Mathewson.
Empey, Johnston & Co.
Gault, Bros. & Co.
T. J. Claxton & Co.
Lewis, Kay & Co.
C. E. Seymour.
Morland, Watson & Co.
Kings, Winning & Mair.
Ringland, Ewart & Co.

Board of Trade.

H. W. Ireland.
 C. C. Snowdon & Co.
 Munderloh & Steencken.
Pierre Delorme.
 C. G. Daggs.
 H. B. Smith.
 J. Henry Evans.
 Lewis, Kay & Co.
A. Robertson & Co.
 Baukhage, Beak & Co.
 Schneider, Bond & Co.
 Linton & Cooper.
 John A. Leclerc.
 D. McBurney.
 Brown & Childs.
 George McIver.
 Rice Sharpley.
 Benjamin Dawson.
 Wm. Dangerfield.
 J. & T. Bell.
 D. Gorrie.
 R. J. Devins.
 Edward Thompson.
 Henry Starnes.
 John Leeming.
James Adams Mathewson.
Arthur Fisher, M. D.
 James S. Evans.
 Robert Wood.

McCulloch, Jack & Co.
 A. Charlebois & Co.
 Fred. Glackmeyer.
 Thomas A. Haines.
 McLachlan, Bros. & Co.
 J. Hingston & Co.
 Joseph May.
 W. & B. Francis.
 James Popham & Co.
 Joseph N. Hall & Co.
 Edward Hagar & Co.
 James Roof & Co.
 Jos. Grenier.
 Jno. Henderson.
E. E. Shelton.
 A. Ramsay & Son.
 Geo. Wilkes.
 W. S. Davenport.
 Maurice Cuvillier.
 P. Robertson.
 James Donnelly.
 David Maclean & Co.
 William S. Evans.
 R. Campbell & Co.
 George Moffatt.
 M. H. Seymour.
 McCulloch Bros.
 West, Brothers.

(Those *italicised* attended. The other petitioners, though notified, failed to attend).

(D)

REGISTRY OFFICE,

Montreal, 22nd May, 1866.

SIR,—Owing to my temporary absence in Kingston, where I was required to meet the Bishop of Ontario and other gentlemen, relative to the transfer of property for the proposed Ontario College, I did not receive your official communication of the 11th instant till yesterday.

Before making any remarks upon the document purporting to be the Petition of the members of the "Board of Trade," it may, perhaps, be as well that His Excellency the Governor General should know how and for what purpose it was got up.

Several anonymous attacks on my office having, in the early part of the winter, appeared in the *Montreal Herald*, I called upon its Editors to give up the author. They at once stated that the writer was a Mr. John Ogilvy,* with whom I had previously had a misunderstanding on a matter altogether of a personal nature.

To put a stop to such unprincipled conduct, I at once gave instructions to my lawyer to take proceedings against him. (Vide P.)

Subsequently this gentleman and Mr. Harrison Stephens (neither of whom, to my knowledge, ever entered the Registry Office of Montreal, or had any business transactions with it), employed a lawyer by the name of Macrae to draw up a Petition, which, by a little management, they conceived might be forwarded to the Governor General by the Board of Trade.

Several copies were printed and given to a young lawyer, a son of Mr. Stephens

* Vide depositions 1, 32 and 38.

(Vide Dep. 46); a Mr. Whitehead (Vide Dep. 16), whose sister was married to Mr. Ogilvy's brother, and a notorious character of the name of — Whyte, who had openly declared his intention to do me all the injury in his power in revenge for the issue of a transaction in which he had been defeated 18 years ago.

These three men proceeded from house to house and from store to store, using Mr. Harrison Stephens' name as a decoy to induce other business men to sign the Petition, representing that it was merely a Petition to the Government to carry out some suggestions of Mr. Futvoys to simplify registration.

Working in this way, it is not to be wondered at that numbers believing in the statement, and knowing nothing of the working of the Registry Office, with which few of them had ever had any transactions, should, without even reading the Petition, affix their signatures to it.

Having procured what they considered a sufficient endorsement, Mr. Whyte prevailed on his connection, Mr. Darling, who was the Chairman of the Committee of the Board of Trade, to adopt and carry it through that Body.

I was perfectly aware at the time of what was going on, and consulted the Attorney General East upon the subject, shewing him how powerless I was, without the support of the Government, against a conspiracy of this kind.

On looking over the names, His Excellency will observe that with three very insignificant exceptions, none of the professional gentlemen of Montreal, through whom, I may safely say, the whole business transactions with the Registry Office are conducted, have signed, though all were individually and repeatedly urged to do so.

It was, indeed, from the leading lawyers and notaries, who were indignant at the whole proceeding, that I learnt the facts of the case.

So much for the manner in which the Petition was got up; now for the complaints set forth:—

Premising that no single instance is or can be alleged of a mistake having been made by the Registrar, or of a party having suffered loss through his neglect or instrumentality, the whole gist of the Petition resolves itself into two complaints: First, That the Petitioners are informed that documents sent for Registration are not registered for six or eight months after they are lodged at the office. Secondly, That the Registrar does not reside as required by law, within five leagues of his office.

Disposing of the last charge first, I would remark that, during the last Term of the Superior Court in Montreal, it was proved on oath, in contradiction to the plea set forth by Mr. Ogilvy's Attorney, that I was and had been for years a resident of Montreal.

It is true that Mrs. Ryland has, on account of her health, resided with her family in fiction, and I have occasionally, during the heat of summer, gone up to see them; but their residing there no more affects my residence here than does the residing of His Excellency's family in England affect his residence in Canada.

As regards the delay in entering deeds deposited in my office, the same complaint may be made of the Quebec Office, which is admirably conducted, where deeds are detained much longer.

This is not the fault of the Registrar, but of the law, which is compulsory, requiring that all deeds shall be registered *consecutively*, according to their numbers, and we are allowed only one book for Deeds of Sale, and one book for Obligations, in each of which *one person ONLY can write at a time*; delay is unavoidable, though I have done everything in my power to avoid it, by having relays of clerks, who write from seven o'clock in the morning, till seven o'clock at night (Vide Depositions 59, 60, 61, 62).

My clerks, I may here remark, are all professional men, and the most efficient writers that are to be had. I may add, that owing to the large amount of property expropriated by the Corporation, and the obligation imposed upon us by the new law, compelling us to give certificates against special properties, without being furnished with plans and books of reference, which should have been provided at the time the Act came into operation, I am sometimes compelled to take my best writers from their legitimate work, to make arches, which under the present Tariff, and the dilapidated state of our Indices, do not remunerate us for our actual outlay.

But the interests of no individual is affected by a delay in copying the Deeds deposited for Registration into our books, for the instant they are handed in, they are

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numbered, fyled, indexed, minuted, and the period of deposit on the book, so that to all intents and purposes as regards the securing the rights of the Depositor, the Registration is effected from that moment, and as he can at all time have access *gratis* to his deed, he can in no way be injured by the Document being left for a less or greater period in a place of perfect security, particularly as he carries away with him a receipt shewing the number of his Deed, and the period of Registration.

So satisfied, indeed, are some business men who understand the matter, that they have left their Deeds unclaimed in the office, for ten or more years, knowing that in a moment, on application, they can get them back.

Trusting that these explanations will be deemed sufficient by His Excellency the Governor General, I would, in conclusion, respectfully remark, that I can have no objection to the appointment of a Commission to examine into the working of the Office under my care, if the Government consider it expedient. I was selected by Lord Metcalfe, under very unpleasant circumstances, to take charge of it, because he was pleased to think me eminently qualified for the post, particularly at a time when it would have been dangerous to the public interests to have placed an inexperienced person in charge of the Department.

That I have conscientiously endeavoured, under most difficult and adverse circumstances, faithfully to discharge the duties confided to me, every unprejudiced man will admit, and I unhesitatingly say, that there is not a business man having transactions with the office who is not satisfied that under the present faulty system, the Department could not be more satisfactorily conducted.

I have the honor to be, Sir,

Your most obedient servant,

(Signed) G. H. RYLAND.

ET. PARENT, Esq.,
Assistant Provincial Secretary, &c., &c.

(E)

CROWN LAW DEPARTMENT;

Ottawa, Oct. 26, 1866.

SIR,—I have the honor to inform you that I have received instructions from the Honorable the Attorney General for Lower Canada to visit the Registry Office of the Registration Division of Montreal, under the provisions of the ninety-third and the one hundred and eleventh sections of the thirty-seventh chapter of the Consolidated Statutes for Lower Canada, (A) and that by a Commission (B) issued under the provisions of the thirteenth chapter of the Consolidated Statutes of Canada, I am directed to hold an enquiry into a complaint against the alleged mismanagement of that office, made by Petition (C) signed by several merchants and others of the City of Montreal.

So soon as my other duties will admit of my temporary absence from the Seat of Government, I shall proceed to the performance of the duties imposed on me as above. This will probably be shortly after the middle of November next.

I have the honor to be, Sir,

Your most obedient servant.

GEO. FUTVOYE.

G. H. RYLAND, Esq.,
Registrar, Montreal.

(F.)

REGISTERS FROM NOVEMBER 1ST, 1861 TO NOVEMBER 23RD, 1866.

Sales and Obligations.

Register.	No. of Vol.	Date of first entry.	Office Numbers given to Instruments.		Date of last entry.
B	60	July 18, 1861	30,284	to 31,650	Nov. 5, 1861
	61	Nov. 5, 1861	31,647	to 32,333	March 6, 1862
	62	Oct. 18, 1861	31,549	to 32,741	May 6, 1862
	63	March 16, 1862	32,334	to 33,055	June 21, 1862
	64	May 6, 1862	32,742	to 34,142	Dec. 17, 1862
	65	June 21, 1862	33,057	to 33,711	Oct. 13, 1862
	66	Oct. 13, 1862	33,712	to 34,317	Jan. 14, 1863
	67	Jan. 14, 1863	34,318	to 34,981	April 17, 1863
	68	Dec. 18, 1862	34,155	to 35,614	July 20, 1863
	69	April 17, 1863	34,982	to 35,604	July 18, 1863
	70	July 20, 1863	35,605	to 36,286	Oct. 26, 1863
	71	July 21, 1863	35,618	to 36,954	Jan. 16, 1864
	72	Jan. 18, 1864	36,955	to 38,162	May 27, 1864
	73	Oct. 26, 1863	36,288	to 36,991	Jan. 22, 1864
	74	Jan. 22, 1864	36,992	to 37,661	April 8, 1864
	75	April 6, 1864	37,662	to 38,290	June 9, 1864
	76	June 9, 1864	38,292	to 38,935	Aug. 27, 1864
	77	May 27, 1864	38,167	to 39,473	Oct. 22, 1864
	78	Aug. 29, 1864	39,937	to 39,868	Nov. 28, 1864
	79	Nov. 3, 1864	39,573	to 42,323	Feb. 9, 1865
	80	Oct. 22, 1864	39,475	to 40,803	Feb. 25, 1865
	81	Feb. 9, 1865	40,334	to 40,976	April 13, 1865
	82	Feb. 25, 1865	40,505	to 41,574	June 21, 1865
	83	April 13, 1865	40,977	to 41,700	July 5, 1865
	84	July 5, 1865	41,701	to 42,429	Oct. 17, 1865
	85	June 21, 1865	41,575	to 42,532	Oct. 31, 1865
	86	Oct. 19, 1863	42,433	to 43,043	Dec. 30, 1865
	87	Oct. 31, 1865	42,534	to 43,688	Mar. 14, 1866
	88	Dec. 31, 1865	43,044	to 43,592	Mar. 6, 1866
	89	March 9, 1866	43,593	to 44,218	May 19, 1866
	90	March 6, 1866	43,965	to 44,745	Aug. 10, 1866
	91	May 21, 1866	44,219	to 44,700	Aug. 4, 1866

Memorials.

A	2	Dec. 13, 1847	889	to 1,448	July 26, 1866
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Wills.

B A	3	Aug. 15, 1859	22,662	to 33,101	June 27, 1862
	4	July 21, 1862	33,211	to 43,138	Jan. 12, 1866
	5	June 22, 1866	43,205	to 44,567	July 24, 1866

Marriage Contracts.

B B	6	Aug. 21, 1860	28,385	to 33,534	Sept. 10, 1862
	7	Sept. 12, 1862	33,543	to 40,077	Jan. 3, 1865
	8	Jan. 3, 1865	40,080	to 43,572	March 3, 1866
	9	March 3, 1866	43,573	to 44,681	Aug. 1, 1866

Judgments.

Register.	No. of Vol.	Date of first entry.	Office numbers given to Instruments.	Date of last entry.
B C	3 4	Nov. 3, 1858 April 18, 1864	24,788 to 37,744 37,786 to 45,216	April 14, 1864 Oct. 15, 1866

Deeds of Partnership.

D of C.	1 2	July 10, 1849 June 6, 1865	1 to 2,705 2,706 to 3,040	June 2, 1845 July 24, 1866
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Debentures.

-D	7	Aug. 15, 1861	30,472 to 31,172	Aug. 15, 1861
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(G)

ENQUIRY INTO THE MANAGEMENT OF THE REGISTRY OFFICE OF THE REGISTRATION DIVISION OF MONTREAL.

Any person desirous of giving evidence or information in relation to an enquiry now being made by me, into the management of the above office, is requested to attend thereat any day, between the hours of 10 a.m., and 3 p.m., from now until the 10th instant.

GEO. FUTVOYE,

*Commissioner under chap. 13 of the
Consolidated Statutes of Canada.*

REGISTRY OFFICE,
Montreal, 2nd January, 1867.

APPENDIX (H).

DEPOSITIONS, STATEMENTS, &c.

Index to Appendix (H).

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|---------------------------------|----------------------------|
| 1. William Molson. | 13. Nathaniel S. Whitney. |
| 2. William Darling. | 14. James S. Hunter, N. P. |
| 3. Theod. Doucet, N. P. | 15. John Redpath. |
| 4. Hubert Paré. | 16. Gilbert Scott. |
| 5. Louis Boyer. | 17. Joseph Belle, N. P. |
| 6. John Frothingham. | 18. Henry O. Andrews. |
| 7. Charles S. Rodier. | 19. Thomas W. Ritchie. |
| 8. George H. Frothingham. | 20. Henry Lyman. |
| 9. John Sinclair. | 21. Joseph Barsalou. |
| 10. Joseph E. O. Labadie, N. P. | 22. Joseph Senez. |
| 11. Thomas Workman. | 23. Emmanuel Messier. |
| 12. Edward M. Hopkins. | 24. A. A. Wilson. |

Date of last entry.

April 14, 1864
Oct. 15, 1866

June 2, 1865
July 24, 1866

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25. Isaac Jones Gibb, N. P.
26. Z. Chapeleau.
27. David Morrison.
28. John Pratt.
29. Olivier Berthelet.
30. Alfred Larocque.
31. A. W. Ogilvie.
32. Andrew Robertson.
33. Pierre Delorme.
34. Joseph Ant. Galarneau.
35. Louis Beaudry.
36. Arthur Fisher, M. D.
37. F. Macculloch.
38. John McLennan.
39. E. E. Shelton.
40. Adolphe Roy.
41. J. A. Mathewson.
42. Joseph Leveillé.
43. Thomas Morland.
44. W. J. Patterson.
45. F. W. Torrance.
46. George W. Stephens.
47. Thomas Craig.

48. O. J. Devlin, N. P.
49. Henry Jackson.
50. Thomas Ritchie.
51. W. F. Lighthall, N. P.
52. J. H. Isaacson, N. P.
53. E. P. Frechette, N. P.
54. Charles Thibault.
55. David Pelletier.
56. John Hoolahan.
57. Anthony Brogan.
58. J. A. Perkins.
59. J. A. Levert, N. P.
60. Benjamin Durand.
61. Joseph Senez.
62. Emmanuel Messier.
63. John Whyte.
64. Alexander Cross, Q. C.
65. John Lloyd.
66. W. H. Ryland.
67. William Workman.
68. J. W. Hopkins.
69. Thomas Rimmer.
70. George Shaw.

(No. 1.)

The deposition of WILLIAM MOLSON, of the City of Montreal, Esquire.

I am a large landed proprietor in the City of Montreal. I am one of the signers to the Petition for an investigation into the management of the office of the Registrar for the Registration Division of Montreal, which I signed at the request of some person who presented it to me at the Molson's Bank, and on a rumor that there was unnecessary delay in the expediting business in that office. I signed it as many people sign petitions.

I have no complaint to make against the Registrar. I have never, to my knowledge, suffered any loss by any defect in the registration of deeds affecting my properties. I have no knowledge of the long delay mentioned in the second clause of the Petition. My business, as to the security of my properties by proper deeds and registration is entrusted to Messrs. Gibb & Hunter,* Notaries Public, of this City. In signing the Petition in question, I did not read it, and was and am unacquainted with its details. I signed simply at the request to have an investigation made. Mr. John Ogilvy, one of the Directors of the Molson's Bank, was one of the persons who complained that his papers could not be got out of the Registrar's office.

(Signed,) WILLIAM MOLSON.

Sworn before me, at the City of Montreal,
the 28th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 2.)

The deposition of WILLIAM DARLING, of the City of Montreal, Esquire.

I am a landed proprietor of the City of Montreal, and one of the signers to the Petition for an investigation into the management of the Registry Office for the Registration Division of Montreal. I am aware of the contents of that Petition, and was so at the

* See depositions Nos. 14 and 25.

time I signed it at the Board of Trade, by which body it was prepared. Individually I have been put to inconvenience by not being able to get from the Registry office, for periods varying from six, nine and twelve months (as stated to me by Notaries whom I have employed to pass deeds requiring registration), documents deposited there for registration. The Notaries I allude to are Théod Doucet, James Smith and Gibb & Hunter.* As far as I know at present I have not suffered from any irregularity in the registration of deeds affecting any of my properties, nor am I aware of any irregularity existing.

(Signed,) WM. DARLING.

Sworn before me, at the City of Montreal,
the 28th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 3.)

The deposition of THÉOD DOUCET, of the City of Montreal, Notary Public.

I am a proprietor of real estate in the City of Montreal, and as such, but more particularly as a Notary Public, have considerable business with the Registry Office for the Registration Division of Montreal. I am not one of the signers of the Petition praying for an investigation into that office. There was considerable delay in obtaining documents from the Registrar's office until last spring, since which arrears have been worked up, and I do not consider that a greater delay is occasioned there than is entailed by the system of registration established by law, which allows only a limited number of Registers in which certain documents can be transcribed after registration. I have not, nor am I aware that any of my clients have suffered any loss or inconvenience from such delay, except that a second copy of a notarial deed may have been required to obtain the Registrar's duplicate certificate of registration at once in very pressing matters, and in which cases proof of registration was immediately shown.

(Signed,) T. DOUCET.

Sworn before me, at the City of Montreal,
the 28th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

[Translation.]

(No. 4.)

The deposition of HUBERT PARÉ, of the City of Montreal, Esquire.

I am proprietor of real estate in the City of Montreal; and have had business with the Registrar of the Registration Division of Montreal, to enregister my deeds. I signed the petition seeking an enquiry into the management of the above Registrar's Office, because some one presented it to me, and I had heard say that there were complaints against that office; but individually I have never suffered any loss, but I have been to the office several times for deeds that I had left there, without being able to get them as they were not ready. I have no complaint to make against the Registrar personally. Whenever I have been to that office I have found there either the Registrar or his Deputy, and further deponent saith not.

(Signed,) HUBERT PARÉ.

Sworn before me, at the City of Montreal,
this 29th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

*See depositions Nos. 2, 14 and 25.

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BERT PARÉ.

(No. 5.)

The deposition of LOUIS BOYER, of the City of Montreal, Esquire.

I am a large proprietor of real estate in the City of Montreal, and as such have much business with the Registry Office for the Registration Division of Montreal. I am one of the signers to the petition, as shewn by my real signature attached to it. The only complaint I have to make against the office of the Registrar is the long time before which deeds can be got therefrom after registration. The deeds 44,329, 44,360, 44,540, the first enregistered on the 6th of June, and the two last on the 11th August last, were withdrawn by me only to day. My son can tell whether they had been applied for before.* I have never suffered from any irregularity in the registration of deeds, but have suffered some inconvenience from the delay in the transcription of deeds in that office.

And further deponent saith not.

(Signed,)

LOUIS BOYER.

Sworn before me, at the City of Montreal,
the 29th day of November, 1866.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 6.)

The deposition of JOHN FROTHINGHAM, of the City of Montreal, Esquire.

I am a proprietor of considerable real property in the City of Montreal, and as such have had business with the Registry Office in question, but my transactions with that office are generally attended to by my Notary, Théod Doucet, Esquire, or by M. M. Gibb & Hunter.† I am one of the signers to the petition above mentioned, which I signed in consequence of the general complaint that the delay in obtaining from that office documents deposited for registration was too great. I have never suffered by any irregularity in the registration of Deeds in that office nor by the delay in returning documents, except the inconvenience resulting therefrom. I do not know of any case in which a deed has been detained six or eight months in the Registrar's office after deposit therein. I am not personally aware that the Registrar has not been for some years past a resident of the City of Montreal nor that he has.‡ The petition was, I believe, brought to my store for signature, and I signed it as people generally sign such petitions, knowing the general tenor without entering into details.

(Signed,)

JOHN FROTHINGHAM.

Sworn before me, at the City of Montreal,
the 29th day of November, 1866.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 7.)

The deposition of CHARLES SERAPHIN RODIER, of the City of Montreal, Esquire, Advocate.

I am the owner of considerable real property in the City of Montreal, of which Municipality I have been four years the Mayor, and was during more than twelve years a member of the City Council, and am well acquainted with nearly all the landed proprietors in the city. As a proprietor I have had business with the Registry Office, both directly and through the medium of my Notaries,§ Mr. Belle, Mr. Fréchette and others, and have

* Mr. Boyer, junr., was called on several times, but failed to attend.—G. F.

† Vide depositions Nos. 3 and 14.

‡ Vide appendix K.

§ See depositions Nos. 19 and 53.

never had occasion to complain of any irregularity or negligence in the registration of deeds there deposited for that purpose. On the contrary, I have received every attention there, and recollect that on one occasion, having lost the ticket given to me at the time of deposit of a deed, it was carefully looked for and delivered to me duly enregistered. As regards the delay between registration or deposit, and the delivery after transcription, I have myself often requested the Registrar to take time rather than exposing myself to error by hurrying them through. I have never suffered any loss by the conduct of that office, and am quite satisfied with the management of the same.

(Signed,) CHS. S. RODIER.

Sworn before me, at the City of Montreal,
the 29th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 8.)

The deposition of GEORGE H. FROTHINGHAM, of the City of Montreal, Esquire.

I own real property in the City of Montreal. I am one of the signers to the Petition for an investigation into the management of the Registry Office in the City of Montreal. I am not a member of the Board of Trade, but am a merchant doing extensive business in the City of Montreal. I have had business with that office for the registration of deeds, and have no reason to complain of anything, except the delay in obtaining deeds after their being deposited for registration, and in their being transcribed into the Registers, extending to three or four months. I know nothing as to the Registrar's residence,* in or out of the City, or of his attendance at his office. Whenever I have been to the office my business has been transacted by some person in attendance. The same delay does not exist in the City of Boston, where deeds can be returned within two or three days.† I consider that a system which may work well in the country parts would not suit a large city like Montreal. I am not acquainted with the requirements of the Registry Law. I am one of the officers of the Montreal Permanent Building Society.

(Signed,) GEORGE H. FROTHINGHAM.

Sworn before me, at the City of Montreal,
the 30th day of Nov., 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 9.)

The deposition of JOHN SINCLAIR, of the City of Montreal, Esquire.

Property owned by me in the City of Montreal requires me to have business with the Registry Office for the due protection of my interests, by the registration of my deeds, which, however, has been attended to by my Attorney, E. W. Torrance,‡ Esquire. Personally I have no complaint to make against the management of that Registry Office, but there is a general complaint abroad that the delay in the transcription of documents there registered is too great.

(Signed,) JOHN SINCLAIR.

Sworn before me, at the City of Montreal,
the 30th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

* Vide Appendix K.

† See Appendix Q.

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Montreal, Esquire.
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(No. 10.)

The deposition of JOSEPH E. O. LABADIE, of the City of Montreal, Esquire, Notary Public.

I am a proprietor of real estate in the City of Montreal, and as such as well as in my capacity of Notary have frequent business with the Registry Office and have no reason to complain of the management of that office, but great inconvenience is experienced by the delay in the transcription of registered deeds, but this is attributable to the system by which the number of Registers is limited, rather than to any negligence on the part of the Registrar, who has always politely attended to any business I have had with the office. Neither myself nor any of my clients have to my knowledge suffered by any irregularity in the registration of deeds in that office, nor in searches there made. In any case where immediate use of an enregistered document has been required, the inconvenience has been removed by the party taking a second copy of the deed and obtaining a duplicate certificate of registration from the Registrar.

(Signed,) J. E. O. LABADIE.

Sworn before me, at the City of Montreal,
the 30th day of November, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 11.)

The deposition of THOMAS WORKMAN, of the City of Montreal, Esquire.

Deeds of property which I hold in the City of Montreal, are registered in the Registry Office for the Registration Division of Montreal. They have generally been registered by my Notaries, Théod Doucet and Gibb & Hunter,* but one was taken to the Registry Office by myself, it being a discharge of a mortgage on a property in Cadieux Street. It was left by me at the Registry Office on the 3rd July, 1865, and I was told by the person who received it, that it would be three months before I could get the deed back. To the best of my knowledge, it was nearly five months before the deed was returned to me, after repeated applications beyond the expiration of the three months. I have no complaint to make against the Registrar or his employees for any want of courtesy towards me. I think some change in the system should be made, by which deeds could be received back in a shorter time. When I signed the petition I was under the impression that the Registrar resided at a greater distance than the limits prescribed by statute. I am credibly informed that he is now a householder in the City of Montreal. It was Geo. W. Stephens, Advocate, who asked me to sign the petition, having the name of his father, Harrison Stephens, at the head. It was in the public street.

(Signed,) THOMAS WORKMAN.

Sworn before me, at the City of Montreal,
the 5th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 12.)

The deposition of EDWARD M. HOPKINS, of the City of Montreal, Esquire.

I am one of the signers to the petition for investigation into the management of the Registry Office in the City of Montreal, in which, from the fact of my being a proprietor of real estate in that city, I have several deeds registered, which have been deposited

* See depositions Nos. 3 and 14.

there by my Notaries, Smith, Doucet,* Hunter and Griffin. The complaint I have to make is the delay in getting from the office deeds there deposited for registration, extending, in some cases, as I have been told by my agents, to eight or nine months. On one occasion I was informed by Mr. Ritchie,† Advocate, that on application at the Registry Office he had learned that there were no liens on the properties of Gerard Lomer, which afterwards turned out to be incorrect, but fortunately I did not depend on that information as I heard to the contrary elsewhere, and, therefore, I lost nothing by such erroneous information. I am not aware whether Mr. Ritchie made a search at the Registry Office, except from what he told me. I have also to complain of the heavy fees charged by the Registrar, but am not aware whether such fees are sanctioned by law. In the case of the sale of the property of F. F. Mullins, situate on Commissioner Street, the Sheriff deducted from the claim of Sir George Simpson's Estate, more than one hundred pounds for fees to the Registrar. No application was made to the Court to establish the correctness of the fees charged. I signed the petition with a view to obtain a revision of the system.

(Signed,) EDWD. M. HOPKINS.

Sworn before me, at the City of Montreal,
the 5th day of December, 1866.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 13.)

The deposition of NATHANIEL S. WHITNEY, of the City of Montreal, Esquire.

I am one of the signers to the petition asking for an investigation into the management of the Registry Office at Montreal. I hold no property in the Registration Division of Montreal, but acting as Agent of the Estate Mills, have business with the Registry Office in Montreal. The book-keeper in my office, Mr. Gravel, has transacted my business with that office. The petition in question originated with the Board of Trade, as a member of which I signed it, as it was reported that deeds were detained in the Registrar's Office too long a period after deposit there, varying from three to six months. Besides this delay I know of no complaint, and have none to make against the Registry Office.

(Signed,) N. S. WHITNEY.

Sworn before me, at the City of Montreal,
the 6th day of December, 1866.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 14.)

The deposition of JAMES STEWART HUNTER, of the City of Montreal, Esquire, Notary Public.

In my capacity of Notary Public, and as proprietor of real property, in the City of Montreal, I have considerable business with the Registry Office. I have never seen the petition asking for an investigation into that office. My clients complain of the long detention of deeds in the Registrar's Office, extending from three to five months. A certificate granted to my partner, Isaac Jones Gibb, relative to his properties, showed that several mortgages still remained undischarged, whereas discharges had been previously registered but not marked in the margin as required by law. Such has occurred with reference to several other such certificates of which I have made no special note. I am

* Vide depositions 3 and 14.

† Vide deposition 19.

‡ See Mr. Ritchie's statements, Nos. 19 and 50.

complaint I have to registration, extending months. On one occasion at the Registry of Gerard Lomer, which depend on that in nothing by such search at the Registry heavy fees charged by law. In the case of Street, the Sheriff one hundred pounds establish the correctness in a revision of the

M. HOPKINS.

not aware of any person having suffered from negligence in the registering of deeds, or by the certificates granted on search. Much inconvenience is suffered from the great delay in some cases in getting certificates of search, but I cannot say whether this proceeds from negligence in the office or not. I do not recollect being put to any inconvenience from the absence of the Registrar or his Deputy from the office during the prescribed office hours, but it has happened that I have had to send twice to get a certificate from both being absent, but I cannot remember any special case. I consider that the present system would be greatly improved and the delay complained of removed, by the adopting in Lower Canada the plan which I believe is now followed in Upper Canada, of having every document for registration prepared on uniform paper, and deposited with the Registrar in duplicate, one to be certified by him, and the other to remain of record in the Registry Office.

(Signed,) J. S. HUNTER.

Sworn before me, at the City of Montreal,
the 6th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 15.)

The deposition of JOHN REDPATH, of the City of Montreal, Esquire.

Montreal, Esquire.

into the management of the Registration Division with the Registry of the City of Montreal, Esquire. I have been generally deposited by my notary, Jas. S. Hunter, Esq.* The only complaint I have to make is the delay in getting deeds from the Registry Office, after deposit there for registration. This delay has extended to the best of my knowledge from four to six months. I do not recollect ever getting any deed from my Notary in less than four months after he told me it was in the hands of the Registrar. I am not aware of my having suffered loss from any error committed in the Registrar's office, nor of any error having been made there.

(Signed,) J. REDPATH.

Sworn before me, at the City of Montreal,
the 6th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

WHITNEY.

No. 16.

The deposition of GILBERT SCOTT, of the City of Montreal, Esquire:

Montreal, Esquire,

erty, in the City of Montreal, Esquire. I have never seen the complaint of the long delay to five months. A properties, showed had been previously has occurred with special note. I am

I have had a few transactions with the Registry Office in the city of Montreal, in connexion with property I own in the Registration Division of Montreal. I have never suffered from, nor do I know of, any negligence or error committed in that office. I have always received every attention and politeness from the Registrar, his deputy or clerks, whenever I have had business there. I was requested by a Mr. Whitehead to sign the petition for an investigation into the Registry Office, but I declined, observing that I believed that the office was managed as well as could be under the requirements of the present Registry Law. The only complaints I have ever heard have been against the delay in effecting the transcription of deeds after deposit in the Registry Office.

(Signed,) GILBERT SCOTT.

Sworn before me, at the City of Montreal,
the 6th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

* See Deposition No. 14.

(No. 17.)

The deposition of JOSEPH BELLE, of the City of Montreal, Esquire, Notary Public.

Professionally I have business with the Registry Office almost every day, to effect the Registration of deeds executed before me as a Notary Public. I have never had any difficulty with either the Registrar, his deputy or clerks, but have always had my business there attended to with politeness and alacrity. The delay often complained of in getting the deeds from the Registrars cannot in my opinion and from my experience as a Notary Public, be avoided under the requirements of the present Registry Law. Neither myself nor any of my clients have ever suffered any loss from any inaccuracy or error in the registration of deeds or searches made in the Registry Office in question. I know of no deed deposited by me for registration having been detained longer than was necessary under the present system. I am not aware of any irregularity in the attendance of the Registrar, or his deputy, during the office hours, and know that they have remained at the office till a late hour in the day on many occasions.

(Signed,) J. BELLE.

Sworn before me, at the City of Montreal,
the 7th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 18.)

The deposition of HENRY OGDEN ANDREWS, of the City of Montreal, Esquire, Advocate.

I have frequently business with the Registry Office for the Registration Division of Montreal, both for myself and clients. I have never experienced any difficulty with the Registrar or his deputy or clerks, either with regard to registration, searches or any information sought by me, and I have always had free access, so far as the law admits, to the books in that office, which I have found in good order and well kept. My business there has always been attended to with politeness, civility and promptitude. I have heard complaints made as to delays in getting deeds back from the Registry Office, but I have invariably given all parties to understand that they were attributable to the system, and not to the office. I am of opinion that the present system might be so changed, as regards the large cities, as to meet the interests of the numerous proprietors who, for the protection of their rights, necessarily have to enregister deeds. Those deposited by me for registration have always been returned to me without any unnecessary delay, and I cannot say that I or any of my clients have ever suffered from any inaccuracy or error in any registration or search made in the Registry Office of which Mr. Ryland is Registrar. I have reason to believe that attendance is given at the Registry Office beyond the hours required by law. I declined signing the Petition in question, which I considered unnecessary, and I so told Geo. W. Stephens, who asked me to do so.

(Signed,) H. O. ANDREWS.

Sworn before me, at the City of Montreal,
the 7th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 19.)

The deposition of THOMAS W. RITCHIE, of the City of Montreal, Esquire, Advocate.

I hold real property in the City of Montreal. I am not one of the signers to the Petition in question, for I declined signing it when requested by Geo. W. Stephens, Esq., as I had always met with every attention and civility in my transactions with the Registry

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Office, and did not consider it necessary for me to sign it. With regard to the statement of Mr. Hopkins, in his deposition (12), I recollect that in a transaction had between the Hudson's Bay Company and Gerard Lomer, Mr. Hopkins requested me to make enquiry at the Registry Office about the charges against Mr. Lomer's property, which I did, but did not take or require a certificate. I mentioned to Mr. Hopkins that in a *projet* of certificate which had been there made out upon the supposition that I wanted a certificate, one charge upon Mr. Lomer's properties had been omitted, but such preliminary draft of certificate had not then been verified, nor, as above stated, was any certificate granted to or even required by me. I understood that such draft had been prepared by a clerk in the office and had not been submitted to the Registrar for verification. I have no complaint to make of any error ever being committed in the Registry Office. The only complaint I know of is the delay in the transcription of deeds into the Registers, which I always considered should be imputed to the system which limits the number of books that can be used at the same time. I have never suffered from such delay.

(Signed,) THOS. W. RITCHIE.

Sworn before me, at the City of Montreal,
the 10th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 20.)

The deposition of HENRY LYMAN, of the City of Montreal, Esquire.

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As holder of real property in the city of Montreal, I have had business with the Registry Office therein. From my personal knowledge *I have no reason to complain of the management of that office.** I have heard, as a matter of common report, that too great a delay takes place between the time of deposit of deeds and getting them back after transcription. The petition in question originated with, and was prepared by a Committee of the Council of the Board of Trade, on representations made to the Board of Trade by merchants and others of the importance of an investigation. My documents, requiring registration, have been entrusted to J. S. Hunter,† T. Doucet or Perkins & Stephens. In the case of a deed to Mrs. John Leeming (Annie Coates), from Charles Alexander and myself, I failed to collect *in due time* the half year's interest due under that deed, as I could not get it in time from the Registrar's office. I believe such half year's interest was due on 1st August, and the deed had remained in the Registrar's office since the passing of it before Gibb and Hunter, as the date of its passing and onregistration, the latter being April 8, 1865, and the former on the 4th April, 1865, will show.

(Signed,) HENRY LYMAN.

Sworn before me, at the City of Montreal,
the 11th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

ANDREWS.

(No. 21.)

The deposition of JOSEPH BARBALOU, of the City of Montreal, Esquire.

Esquire, Advocate.
the signers to the
V. Stephens, Esq.,
with the Registry

As a proprietor of real estate in the City of Montreal, I have to complain of the delay in the transcription and return of deeds deposited in that office. I produce deposit tickets (Nos. 44,066-7), for deeds deposited in April last, and which deeds have not yet been returned to me, *but I am not aware whether they were ready.* They were not so four or five weeks ago when I called for them, at least I was so informed by the Deputy Regis-

* See appendix R.

† Vide depositions 3 and 14.

trar.* I have never lost anything by negligence or inaccuracies in the registration of deeds at that Registry Office. I am one of the signers to the petition in question. I am a member of the Board of Trade.

(Signed,) J. BARSALOU.

Sworn before me at the City of Montreal,
the 11th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 22.)

The deposition of JOSEPH SENEZ, of the City of Montreal, clerk.

With reference to the deposition (21) made by Joseph Barsalou, yesterday, the 11th December instant, the undersigned deposeseth and saith, that the documents in question were transcribed by Mr. Messier and himself in Register B. Vol. 89, which book was commenced on the sixteenth of August, and according to our uniform rate of writing, Mr. Barsalou's documents must have been transcribed and ready for delivery on or about the sixteenth day of September last.

(Signed,) JOSEPH SENEZ.

Sworn before me at the City of Montreal,
the 12th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 23.)

The deposition of EMMANUEL MESSIER, of the City of Montreal, Esquire, Notary.

I am one of the transcribing clerks in the Office of the Registrar for the Registration Division of Montreal. With reference to the deposition (21) made by Joseph Barsalou, yesterday, relative to deeds deposited by him in April last for registration, those documents were transcribed by Mr. Senex and myself in Register B., vol. 89, which book was commenced on the sixteenth day of August last, and according to our uniform rate of writing, Mr. Barsalou's documents must have been transcribed and ready for delivery on or about the sixteenth day of September last.

(Signed,) EMMANUEL MESSIER.

Sworn before me, at the City of Montreal,
the 12th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 24.)

The deposition of ALEXANDER A. WILSON, of the City of Montreal, Esquire.

The signature to the petition shown to me, is apparently my genuine signature, but I have nothing to say relative to the Registry Office. I have, however, no recollection of having signed any such petition, nor had I reason for so doing.

(Signed,) A. A. WILSON.

Sworn before me, at the City of Montreal,
this 12th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

* See depositions Nos. 22 and 23.

(No. 25.)

The deposition of ISAAC JONES GIBB, of the City of Montreal, Esquire, Notary Public.

I am proprietor of real estate in the City of Montreal, and as such as well as in my capacity of Notary Public, have transactions with the Registry Office. On the 80th November, 1863, I obtained from the Registry Office a certificate of the entries relating to transactions entered into by Mrs. Mary Louisa Adams, my wife. This certificate related to twenty-three entries (including four *quittances*); but against none of which remaining nineteen entries was any entry of discharge made, although in fact seven discharges had previously to that date of such certificate been registered. On pointing out to the Registrar these deficiencies, the entries of discharge in the margin were added to complete the certificate. I am not aware whether the entries had or had not been made in the Registers, not having access to them. I am of opinion that the only remedy that can be applied to prevent the great delay complained of in getting back deeds deposited for registration would be an alteration in the law which limits the number of Registers to be in use. Further improvements ought to be made by a change in the system generally. The requisition for the above mentioned certificate was made by me verbally and personally.

(Signed,) I. J. GIBB.

Sworn before me, at the City of Montreal,
the 12th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 26.)

(Translation.)

The deposition of ZEPHIRIN CHAPELLEAU, of the City of Montreal, bookseller.

I own real estate in the City of Montreal, and therefore have had business with the Registry Office of that city. I find that the delay between the time of the deposit of documents for registration and the time of getting them back is too great; seldom can such documents be got back under three or four months. At the present time I have, in the Registry Office, a document deposited there on the 26th September last, and which the Registrar told me would not be ready in less than three months. This delay is the only thing of which I have to complain. I think that such a change in the law as would allow the Registrar to employ a greater number of copyists by having more books in use at the same time, would afford a remedy to the defect in the present system.

(Signed,) Z. CHAPELLEAU.

Sworn before me, at the City of Montreal,
this 13th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 27.)

• The deposition of DAVID MORRISON, of the City of Montreal, Esquire.

I own real property in the City of Montreal, and am one of the signers to a petition for an investigation into the management of the Registry Office for the Registration Division of Montreal, in which I have several deeds registered. My impression has always been that deeds deposited for registration ought to be ready for re-delivery in a less time than that generally taken there, sometimes extending to five or six months. I have never suffered by the delay above mentioned. All the deeds I have deposited for registration were deeds passed before James Smith, Esquire, N. P., but deposited by myself for registration, for each of

which I received from the Registrar a ticket showing the date of deposit, and the number of each one as deposited. I am not aware of the cause of the delay. Whenever I went to the Registry Office I have found some one to attend to the business. I have no other complaint except the delay. I signed the petition in the office of Perkins & Stephens, by the latter of whom I was requested to sign it. I have no reason to believe that the Registry Office is unsafe in the hands of Mr. Ryland; but I think that it would be right that the system should be so changed as to admit of more books being in use at the same time, and thus expedite the transcription of registered deeds.

(Signed,

DAVID MORRISON.

Sworn before me, at the City of Montreal,
the 13th day of December, 1866.

(Signed,

GEO. FUTVOYE,
Commissioner.

(No. 28.)

The deposition of JOHN PRATT, of the City of Montreal, Esquire.

Property within the Division for which Mr. Ryland is Registrar is owned by me. As such proprietor I have had business with the Registry Office. I find that we have to wait very long before we get deeds out of the Registry Office after their deposit for registration there. This delay extends to four or five months. As regards the Registrar himself I have no complaint to make, nor have ever suffered from any error or irregularity in registering, or in searches made in the office.

(Signed,

JOHN PRATT.

Sworn before me at the City of Montreal,
the 27th day of December, 1866.

(Signed,

GEO. FUTVOYE,
Commissioner.

(No. 29.)

The deposition of OLIVIER BERTHELET, of the City of Montreal, Esquire.

Considerable property in the City of Montreal, is owned by me, or is represented by me. In that capacity I have frequently business with the Registry Office in that city. I have no complaint to make against the Registrar or his Deputy or employés, from all of whom I have received every attention and politeness, but I have to complain of the great delay in the transcription of deeds after deposit for registration. This is attributable, in my opinion, to the system which under the law, limits the number of volumes in use at one and the same time. As the great majority of deeds requiring registration are "Sales" and "Obligations," a remedy could, in my opinion, be found in a legal enactment to extend for the registration of such deeds, the Registers to a greater number, so as to allow more writers to be employed in transcribing at the same time. On one occasion I had, however, to complain of what I considered an overcharge, claimed from me by the Sheriff of Montreal, as paid by him to the Registrar in the case of Bertrand, the particulars of which will be found in the record of the cause (No. 2,934), by which the Sheriff sued me for an amount, disallowed by the judgment of the Court. This suit was brought to obtain the opinion of the Court as to the correctness of the charges. I signed the petition, as many others had done, to effect a change in the system.

(Signed,

O. BERTHELET.

Sworn before me, at the City of Montreal,
the 27th day of December, 1866.

(Signed,

GEO. FUTVOYE,
Commissioner.

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JOHN PRATT.

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(No. 30.)

The deposition of ALFRED LAROCQUE, of the City of Montreal, Esquire.

I am one of the signers to the petition for an investigation into the management of the Registry Office in the City of Montreal, with which I, as a proprietor of real estate, have occasion to transact business in the registration of deeds affecting such property. The main thing I have to complain of is the delay in getting back deeds deposited for registration, extending at the time of signing the petition to five or six months. That petition was in the course of signature during *last winter*. In the registration of deeds and in obtaining searches, I am not aware of ever having suffered from any error or irregularity. I have been to the Registry Office during the legal hours to enregister deeds and have found no one there to receive them, and have had to call a second time, but I cannot mention any particular case, nor am I aware of having thereby lost any right or privilege. Whenever I have there met the Registrar or his deputy, I have been treated very courteously by them. I have always been inclined to attribute the delay, rather to the system than to any want of attention on the part of the Registrar, but I am not well acquainted with the working of the present Registry Law.

(Signed,) A. LAROCQUE.

Sworn before me, at the City of Montreal,
the 27th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 51.)

The deposition of ALEXANDER WALKER OGILVIE, of the City of Montreal, Esquire.

I own a good deal of real property in the City of Montreal, and for the security of which the deeds relating thereto are registered in the Registry Office of which Mr. Ryland is the Registrar. I signed the petition in question because I considered that the delays in getting back deeds from that office were injurious to those depositing them. I have to complain of one deed of property acquired by me at Sheriff's sale in January last. After numerous applications at the Sheriff's Office for the deed, I was told that it was delayed in the Registrar's Office.* The deed of sale now produced by the Registrar, as having been made out by the Sheriff in November last and deposited for registration on the thirteenth of that month, is the deed to which I allude. It is the sale of the property of Magloire Lefebvre, of Lachine. I cannot now refer to any other particular case of delay, but I consider that by some other system, by which more writers could be employed to transcribe deeds, a great evil now complained of would be removed. I have never suffered by any inaccuracy or error in the registration of deeds, or searches made in the office, nor do I know of any such case.

Since Mr. Warwick Ryland has been Deputy-Registrar, I have always received the greatest attention and politeness, and had every satisfaction when transacting business at that office. I repeat that my only complaint is of the great delay in the transcription of deeds.

(Signed,) A. W. OGILVIE.

Sworn before me, at the City of Montreal,
the 27th day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 32.)

The deposition of ANDREW ROBERTSON, of the City of Montreal, Esquire.

I own real estate in the City of Montreal. The petition in question was, I think,

* See Appendix, B. 2.

signed by me, at the requisition of Mr. John Ogilvy, who presented it to me, stating that there was too much delay in getting deeds registered in the Registry office, in which extra assistance was required. I signed it as most such petitions are signed. I have no complaint to make against the Registrar, but I think that some mode of registration should be adopted, by which less delay would be occasioned in the registration of deeds.

(Signed,)

ANDREW ROBERTSON.

Sworn before me, at the City of Montreal,
the 27th day of December, 1866.

(Signed,)

GEO. FUTVOYE,

Commissioner.

(Translation.)

(No. 83.)

The deposition of PIERRE DELORME, of the City of Montreal, Esquire.

As the proprietor of real estate in the City of Montreal, I have had transactions at the Registry Office in this city. I have never suffered loss from any negligence of the Registrar, nor from any error in the registration of documents, nor in searches which I have had made there. I have to complain of the delay in that office in entering in the registers the documents deposited for registration; this delay extends sometimes to four or five months. Several times I have been told in that office that a document there deposited by me for registration would be ready at a fixed time, and at the expiration of that delay it was not ready. I do not understand English sufficiently well to make my deposition in that language. I am not a member of the Board of Trade. I signed the petition as a trader, at my own shop, where it was presented to me.

(Signed,)

PIERRE DELORME.

Sworn before me, at the City of Montreal,
the 29th day of December, 1866.

(Signed,)

GEO. FUTVOYE,

Commissioner.

(Translation.)

(No. 84.)

The deposition of JOSEPH ANTOINE GALARNEAU, of the City of Montreal, Esquire, Advocate.

The petition in question was not signed by me, but as I am the owner of real estate and an Advocate, I have had much business in those two capacities with the Registry Office. I have to complain of the great delay in the Registry Office in obtaining documents left there for registration. In a case in which I deposited a notice of mortgage against the property of Joseph Vaillancourt, in the month of December, 1864, I did not get it back from the office until the end of nine months, because on several occasions, within three months after its deposit, I was told at the office that it was not ready. The deed of sale of a property which I bought of Francois Riendeau was left at the office by myself about the end of November, 1865, and I could not get it back until the month of April last, or towards the end of March. In the month of June, 1865, I applied for a certificate of search as to mortgages against the property of Narcisse Raymond, and I did not get it for nine days, and a certificate for the Building Society relative to the same properties was not ready for five days. These searches only referred to two properties. I have no other complaint to make against the Registry Office, except the delay which has caused me many walks but no damage.

(Signed,)

J. A. GALARNEAU.

Sworn before me, at the City of Montreal,
the 31st day of December, 1866.

(Signed,)

GEO. FUTVOYE,

Commissioner.

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ROBERTSON.

(No. 35.)

The deposition of LOUIS BEAUDRY, of the City of Montreal, Esquire.

I am proprietor of real estate in the City of Montreal, and as such have had to register deeds in the Registry Office in that city. I signed the Petition in question because Mr. Henry Jackson informed me that a certificate obtained by him from the Registry Office, relative to a charge on his property in Cornwall Terrace, part of which was purchased by me, had an omission of a discharge of mortgage of twelve thousand pounds thereon; such discharge of mortgage being duly enregistered in that office. For further particulars I refer to Mr. Jackson,* as individually I have no occasion to make any special complaint.

(Signed,) L. BEAUDRY.

Sworn before me, at the City of Montreal,
the 31st day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

Esquire.

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(No. 36.)

The deposition of ARTHUR FISHER, of the City of Montreal, Esquire, M.D.

I represent real property in the City of Montreal, and as such have had business with the Registry Office in that city, in which deeds for such property are enregistered. I have no reason personally to complain of any delay in that office, but from general rumor have thought some steps were necessary to secure more despatch in the enregistration of deeds, and I, therefore, signed the Petition asking for an investigation. I have never suffered any loss from error or irregularity in the registration of deeds there or in certificates of searches made there. I know of no case of any such suffering.

(Signed,) ARTHUR FISHER.

Sworn before me, at the City of Montreal,
the 3rd day of December, 1866.

(Signed,) GEO. FUTVOYE,
Commissioner.

Montreal, Esquire,

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(No. 37.)

The deposition of FERDINAND MACCULLOCH, of the City of Montreal, Esquire.

I do not own any real estate in the Registration Division of Montreal. All my transactions with the Registry Office are done through professional men, either my Lawyer or Notary, so that personally I have little to say relating to the management of the Registry Office beyond the delay in getting back deeds deposited for registration. I think, as I believe the public here in general does, that some change in the system might be adopted which would ensure a more rapid copying of deeds deposited for registration. I have not suffered from any erroneous enregistration or incorrect certificate of search in the Registry Office of Montreal. The only recollection I have of signing the petition in question is of having signed a petition for an investigation into the system of registration, presented to me by some person whom I do not recollect.

(Signed,) F. MACCULLOCH.

Sworn before me, at the City of Montreal,
the 3rd day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

ARNEAU.

* Vide deposition No. 40.

(No. 38.)

The deposition of JOHN McLENNAN, of the City of Montreal, Esquire.

The petition for an enquiry into the management of the Registry Office in Montreal, was signed by me, in my capacity of President of the Board of Trade, by which body it was prepared, at the request of some of its members, with a view to causing such modifications in the Registry law as would admit of deeds being returned from the Registry Office in a less time than at present. Individually I have no complaint to make against the Registrar or his employees, into whose office business had never before this led me. The subject of the petition was brought before the Board of Trade by Mr. Darling, as far as I can recollect, and those who principally urged the matter at the quarterly meetings were M.M. Henry Lyman,* and J. L. Beaudry. Mr. Ogilvy spoke to me on the subject, urging on the petition in my capacity of Chairman of the Board of Trade. Deeds enregistréd by me through Mr. Hunter, N. P., or my lawyer, Mr. Robertson, have been returned to me without any difficulty.

(Signed,) J. McLENNAN.

Sworn before me, at the City of Montreal,
the 3rd day of January, 1867:

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 39.)

The deposition of ELIJAH EDMUND SHELTON, of the City of Montreal, Esquire.

As proprietor of real estate in the City of Montreal, I have had business with the Registry Office for the registration of deeds relating to my properties. I have no complaint to make against the Registrar or his Deputies, from whom I have always received the greatest attention and politeness, but I think by a change of the system much greater facilities might be afforded to the holders of real property to have their deeds enregistered and returned in a shorter time than is at present required. I am not well acquainted with the Registry Law or its requirements; but if, as I am told, it limits the number of Registers in use at one and the same time, I think amendments are required to it as regards the populous cities of Montreal and Quebec. In many instances I have had to wait several months for the return of a deed deposited for registration. Opportunities for good investments are often lost by the delay in getting a statement of the charges upon any particular property, and from the want of a system by which the state of any individual property may be found without reference to the whole of the properties of the owner. I would suggest that in any change in the Registry Law, certificates of search should contain discharged mortgages with the names of the Notaries before whom the discharges were granted. I signed the petition in question without reading it when it was presented to me, with a request to aid in obtaining a change in the provisions of the Registry Law, among which I would recommend that the index should be kept in purely alphabetical order, like a dictionary, and that a separate Register should be opened for names commencing with the same letter.

(Signed,) E. E. SHELTON.

Sworn before me, at the City of Montreal,
the 4th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 40.)

The deposition of ADOLPHE ROY, of the City of Montreal, Esquire.

From what I have seen in the press and heard in town, of the delay under the pre-

* See deposition No. 20, and Appendix B.

Esquire.

Registry Office in Montreal, by which body it was using such modifications of the Registry Office in order to make against the before this led me. The by Mr. Darling, as far as the quarterly meeting to me on the subject of Trade. Deeds enregistered, have been

J. McLENNAN.

Montreal, Esquire.

had business with the Registry Office. I have no complaint to make. I have always received the system much greater than their deeds enregistered. I am not well acquainted with the limits of the number of deeds required to it as instances. I have had to pay the charges upon the state of any individual properties of the owner. The Registry Law is purely alphabetical and opened for names com-

E. SHELTON.

Esquire.

delay under the present

ent registration system, I deemed it right to sign a petition for an investigation into the management of the Registry Office, against which, however, personally, I have no complaint to make.

worn before me at the City of Montreal,
the 5th day of January, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(Signed,) ADOLPHE ROY.

(No. 41.)

The deposition of JAMES ADAMS MATHEWSON, of the City of Montreal, Esquire.

I own property in the City of Montreal, and consequently have had business with the Registry Office in question, and have experienced great delay in getting documents from that office after deposited there for registration. As regards the Registrar himself and his employees, I have no complaint to make. I have never suffered any loss, so far as now know, from inaccuracy in registration or error in certificate of search at that office. I conceive that the system by which charges against individual properties may, by proper means of Registration Divisions and of the properties therein, be ascertained, and which I am glad to learn are now in course of preparation, will greatly obviate the inconveniences now complained of. I am a member of the Board of Trade. I signed the petition at the request of some person whom I cannot now remember distinctly.

worn before me, at the City of Montreal,
the 5th day of January, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(Signed,) JAMES ADAMS MATHEWSON.

(No. 42.)

The deposition of JOSEPH LÉVEILLÉ, of the City of Montreal, Esquire.

I am owner of real property in the City of Montreal, and as such have had business with the Registry Office to enregister deeds relating thereto, more particularly a deed of sale from Alfred Savage to Joseph Léveillé, about twelve years ago, deposited for registration. I have lost the ticket given to me at the time of deposit, and have, therefore, been unable to get back my deed. I have offered to pay any expenses but cannot get the deed. I have been at the office three times since the deposit, once being six months after each deposit, and the last time, after waiting half an hour and offering to pay any expenses, the Deputy Registrar, Mr. W. Ryland, went into another room and gave me no answer. The deed is still in the Registrar's Office. I offered to give my receipt for the document, but he gave me no answer. Mr. Simard, my Notary, who passed the Acte offered to go with me to get it from the office, but I told him that if I sold the property I would go with him and get it, wherefore I have not since been for the deed, probably not during the last six years. The deed, No. 22,672, deposited for registration on the 19th August, 1857, and now produced by the Registrar is the one in question.

worn before me, at the City of Montreal,
the 10th day of January, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(Signed,) JOSEPH LÉVEILLÉ.

N.B.—This deed was withdrawn the same day on a proper receipt being given, and the depositor being identified by his Notary, Mr. Simard.—G. F.

(No. 43.)

The deposition of THOMAS MORLAND, of the City of Montreal, Esquire.

I own a good deal of property in the City of Montreal, which brings me in relation with the Registry Office. I have to complain of the delay in obtaining deeds from that office after deposit for registration. In one case a deed of mortgage (42,799) on the Rolling Mills, deposited for registration on the 28th November, 1865, could not be obtained from the Registry Office until the month of September in the following year, that is on the 20th of that month, it being, as told me by my Notary, Jas. S. Hunter, Esquire, not being ready on the previous day. I have never suffered by any error in registration or searches made in the Registry Office. It appears to me that some change is needed by which less delay may exist between the time of deposit of deeds for registration and the re-delivery of them to their owner. I am a member of the Board of Trade.

(Signed,) T. MORLAND.

Sworn before me, at the City of Montreal,
the 10th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

The within mentioned deed is registered in Vol. B. 87, which was commenced on 5th June, 1866, and was apparently entered about the 10th of that month.—G. F.

(No. 44.)

The deposition of WILLIAM J. PATTERSON, of the City of Montreal, Esquire.

I am Secretary to the Board of Trade of the City of Montreal. I know nothing of the Petition relative to the Registry Office, except what the minutes of the meetings of that body will show. I know nothing of the working of the Registry Law, except from hearsay, that there is great delay. The Petition in question submitted to me appears to be in the hand-writing of my clerk, Thomas McNab. I do not attend all the meetings of the Committees or Sub-Committees. I am not aware of any other Petition on the same subject having been brought before the Board of Trade. I cannot tell who brought the matter before the Council of the Board of Trade, without reference to the minutes. The Petition is not from the Board of Trade only, but also from Merchants and other citizens of Montreal. The Petition did not originate at any public meeting of the community but probably among the members of the Board of Trade.†

(Signed,) WM. J. PATTERSON.

Sworn before me, at the City of Montreal,
the 11th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 45.)

The deposition of F. W. TORRANCE, of the City of Montreal, Esquire, Advocate.

I am proprietor of real estate in the City of Montreal, and as such have business with the Registry Office, and also as Advocate and mortgage creditor. I am not aware of having suffered any loss, pecuniary or other, by error or inaccuracy in enregistration of deeds or certificate of search in the Registry Office. Documents deposited in the Registry Office for registration are there detained a long time, but I am not aware of any particular case in which any deed has been detained an undue time, for the simple reason that I have not charged my memory with particular cases of delay. Under the present system

* Vide deposition No. 3.

† See Report of Meeting of Board of Trade, of April 2, 1866.

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cannot get a certificate of the charges against any individual property without waiting several days. The present system of searching against individuals to ascertain the charges made by them on properties is a cumbrous and costly one, attended with most vexatious delays, and ought not to be any longer tolerated. The change contemplated in this system by the preparation of plans and books of reference would be of immense benefit to all having any interest in real estate, but such a change should be made with the least possible delay, and no expense should be spared to effect it at once. In answer to a question put by the Registrar, I have no hesitation in saying that I have always been treated with the greatest civility by him and his subordinates, and that every facility has been accorded me, and my clerks acting for me when I desired personally or by them to expedite searches, by making them myself or through my clerks. I would add that I have had occasion to pass many hours at a time in that office in making searches, or have been obliged to direct a confidential clerk to make such searches for me, with a view to obtain the requisite information with the least possible delay, and without which loss of time I could not obtain the necessary information within the required time. The delay occasioned by the present system operates injuriously to the interests of landed proprietors and money lenders, in this, that when a title to real property is to be reported on as a good title it is impossible for a professional man to make such a report without, in many cases, a delay of several days, during which the closing of the transaction between the parties is suspended or comes to nothing. I do not attribute this delay to any negligence on the part of the Registrar, but to the system which he is bound to adopt and carry out.

(Signed,)

F. W. TORRANCE.

Sworn before me, at the City of Montreal,
the 11th day of January, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 46.)

The deposition of GEORGE W. STEPHENS, of the City of Montreal, Esquire, Advocate.

I am the son of Harrison Stephens, of the City of Montreal, Esquire, and whose genuine signature is the first on the petition on this matter. It was at my request that my father signed that petition, and, on account of representations which I made to him that there were irregularities in the Registry Office for the City of Montreal. In 1863 I was admitted a member of the Bar of Lower Canada. Soon afterwards, I was consulted by some stranger, whose name I cannot recall, in reference to the securities filed by Mr. Ryland. I wrote to the Finance Department, enquiring about such securities. The letter which I received in reply was unsatisfactory. It was to the effect that some of the sureties were dead, and that proceedings were being taken to get new sureties. This letter satisfied me at the time that the suretyship required by law was not then in possession of the Government.* This fact alarmed me the more as I knew that a claim against Mr. Ryland personally and unofficially was very difficult, if not impossible of collection, as I had then two judgments unsatisfied against Mr. Ryland unofficially, the one for sixteen dollars and twenty-five cents and the other has amounted since to thirty-three dollars and twenty-seven cents. Those are about the sums. These judgments I had sought to realize, but never succeeded in finding any effects. In the course of the summer of 1865, Mr. Ritchie, Advocate, told me that he had obtained a certificate of charges against a property concerning which he was making a search, in which certificate an important charge against the property had been omitted.† I had heard previously of errors in the Registry Office, but I never had had brought directly under my observation any special case of this nature. Afterwards a case occurred to our firm (Perkins and Stephens), I think it was in the month of June, 1865, I brought a memorial of judgment to the Registry Office,

* See correspondence with Finance Department and Provincial Secretary. App. T. and M.

† See Mr. Ritchie's statement, No. 59.

left it there with a person in the office, after having paid the Registration thereof.* In September, I think, of the same year, Mr. Perkins, my partner went to the Registry Office to register a judgment against the same property.† He found the memorial which I had deposited there for Registration in the month of June previous had not been registered. Upon enquiring the reason why it had not been registered, he was told that it had never been paid for. I paid the fees for registration at the time I deposited it in June, and in order to satisfy myself that the error was not in our office I referred to my cash-book and found the entry of a payment for said service, so that the mistake could not have arisen in our office. On payment of the money I asked Mr. Warwick Ryland for a receipt which he refused to give, saying that it was not necessary. I have had in my possession certificates of Registration seven months old, on presentation of which certificates the deeds were not delivered up. In reference to monies in the Sheriff's office, the proceeds of sales of real estate, I have been detained a month or six weeks before obtaining monies for my clients, the Deputy-Sheriff alleging that it was on account of the want of the Registrar's certificate required in such cases. As late as Friday last, Théod. Doucet, Esquire, Notary, told me that a man named Massue had found that a *quittance* against some property deposited for registration had not been entered in the margin. During 1862, 1863 and 1864 I frequently visited the Registry Office on business, and generally I found the officials seemingly under the impression that the Registry Office was the private property of the Registrar. On one occasion in particular, I asked Mr. James Johnson (then one of the employees of the Registrar,) a civil question in regard to the fees on a document which I presented for registration, stating that I thought they were excessive. He replied to me to the effect "that I might go to the Devil and find out." During the course of the winter of 1865-6 a young French student (U) came and informed me that he had been treated roughly at the Registry Office, when visiting that office on business.‡ I told him to get his *patron's* advice on the matter and to follow it. For the past year I have avoided entering the Registry Office, being desirous of avoiding incivility. With regard to the domicile of the Registrar, on inspection of the evidence filed in a motion for security for costs in *re Ryland vs. Ogilvy* in the Superior Court, any person but a Judge would be convinced that the Registrar had none such in the District of Montreal.§ As late as September last our bailiff, Anthony Brogan, tried to find the domicile of Mr. Ryland to serve on him two *Saisie-arrets après jugement*, and reported that he had failed to succeed, and as a *dernier ressort* served the papers in the Registry Office. In regard to this question of domicile, I dare say John Hoolahan,|| Michael Dempsey, Anthony Brogan, and other bailiffs of this city will be able to give more information than I can. I may add that I have no personal acquaintance with the Messrs. Ryland, and no connection with them on business matters or otherwise, except in their official capacity in the Registry Office. During the space of five years previous to the past year I have frequently visited the Registry Office while under indentures as a student and since my admission to the practice of law, during which time I do not remember having spoken to the Registrar once or seen him in the office more than a few times. In regard to my name being mentioned by a number of petitioners as having been induced by me to sign the same, I may state that the petition was brought to me by some members of the Board of Trade, and being desirous to see a change in the present imperfect system of registration *quoad* such a large city as Montreal, as well as feeling very distrustful of the management of the office by the Registrar, I went around to a few of my friends, and obtained their signatures to the petition. It is a matter in which my father is largely interested as a real estate owner. My father, Harrison Stephens, if summoned, could not give any evidence other than what I have told him, at least I think he was entirely influenced to sign the petition by my representations that the system was imperfect and required a thorough investigation and overhauling. The memorial of judgment referred to as being presented in June, 1865, was in *re Davie vs. Hervieux*, No. 485, Superior Court, 1865, and in regard to the detention of the Registrar's certificate of search relative to properties sold at Sheriff's sale, a

* See deposition No. 66.

† See deposition No. 53.

‡ See deposition No. 54, and documents relating thereto.

§ See evidence in case *Ryland v. Ogilvy* (H), and Judge Berthelot's judgment thereon.

|| See deposition 56 and 57.

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case in point is that of *Rousseau vs. Roy* (1804);* there were other cases whose titles I do not now recollect. It is a common thing, however, in the Sheriff's office, to receive the answer, "we are waiting for the Registrar's certificate." I will try to-day to find the student referred to herein (U). In reply to the Registrar's question as to whether I have stated all that I know prejudicial to the management of the Registry Office, I say that I have mentioned all I think of at present. I represent my father, as being the agent for all his real estate, having the management and examination of all the titles to property which he purchases, and as being interested as one of his heirs, it was my duty to watch over this matter of registration, and in the course of my professional duties having obtained sufficient experience to know that something was wrong in the management or system of enregistration, I induced him and others to sign the petition in question, and I consequently represent him. The representations which I made to my father, to induce him to sign the petition were the long detention of deeds deposited for registration, the insolence of the officials,† the current report that errors were occurring in the Registry Office, the fact that the Registrar was currently reported to be a man of no private means, and that the security required by law was not given by him to the Government, as well as a general feeling of distrust which many Notaries and Lawyers shared with myself, as regards the manner in which the office was managed. I hold a special power of attorney from my father to manage his affairs generally, with the exception of the power to sign promissory notes or checks. That power of attorney bears date some years ago, over five, I think. I am not aware that my father, at the time he signed the petition, had any knowledge of the matter then complained of, except from what I had told him. My sole motive in asking my father to sign the petition was *pro bono publico*. I have no personal feeling against Mr. Ryland or his son. I mentioned the small suits above referred to against George H. Ryland, to show that the Registrar, in his private capacity, was not blessed with a superabundance of this world's goods, so that for any mistake which he may make in his official capacity, the only recourse that a sufferer would have, would be upon the property of his sureties, and if those sureties are not according to law, and I understand they are not so at the present moment, a person losing by carelessness in the Registry Office would stand a poor chance of ever righting himself financially. In reply to a question as to whether I am in the habit of buying up litigious claims and prosecuting them for my own account, I may say that in the course of my practice I never purchased any such claims, and have no interest in the judgments referred to except in prosecuting them to a successful ending in the interest of my clients. The Plaintiffs have paid in the costs of the main action long ago. The costs of the *saisie-arrets* remain unpaid, as the cases are still pending. I have already stated all that I know about the Registry Office. The idea of a Commission, I think, originated with the Board of Trade. It was not suggested by me, and I do not remember ever hearing that I was to be appointed on that Commission, and I never had the slightest hope or desire to hold such an office, in fact it would have been impossible, from the nature of my business engagements, which require me constantly to be ready at any moment to go to the United States to be there absent from one to six months, for me to accept such an appointment. I did actually canvas for signatures to this petition, and never took greater pleasure in any occupation in my life, because I felt that I was acting as a public benefactor in bringing to light the defects of the system of registration, and, as I considered, bad management on the part of the officials. I drafted a former petition for some members of the Board of Trade, and that draft was submitted to the Council, I think, of that body, but it was not accepted. The draft of mine was not ordered by Mr. John Whyte or John Ogilvy, nor had either of them anything to do with it. The gentleman who requested me to make that draft was Mr. William Darling.

(The Registrar here put the following question :

"Was not your father induced to sign the petition more by an occurrence at the St. James' Club than by any other motive, or by your representations as regards the necessity of an enquiry into the Registry Office?"

As the above question could be answered only by Mr. Harrison Stephens; as Commissioner I decided that Mr. Geo. H. Stephens, in declining to answer, was correct.

(Signed,)

Geo. FUTOYE.)

* See correspondence with Sheriff (V).

† See deposition of Mr. Perkins, No. 58.

I never made any complaint to the Registrar or to his Deputy of the said James Johnson, because I thought it was no use. My motive for mentioning Mr. Johnson in this evidence is simply to bear out the accusation of incivility, and to show that I had experienced it personally, having heard numbers of persons complain of Messrs. Ryland and Johnson. I may say that one instance occurred to-day of the customary blackguardism of Mr. Warwick Ryland, the Deputy-Registrar, he having, while I was under this examination, come into the room, and on hearing a portion of my evidence, stated that it was a lie, in my presence. I cannot now state the names of persons who have complained as above stated, but I have no doubt many such could be found in the city. Up to this time I have taken no active steps to procure evidence in the matter, but have left matters to take their ordinary course, but now I intend going into it in earnest, and I shall endeavor to induce the persons who have suffered in this way to come and give their evidence. I have an idea who those parties are, and will name them when I induce them to come, but decline to name them now.* The manuscript petition now shown to me as the one submitted to the Governor, is identically, word for word, the petition which my father signed, with this exception, that there were several sheets, each one of which was distributed to a Committee, whose duty it was to canvas for signatures. Each of these sheets was headed with a printed copy of this written petition. When all the lists were completed, I should say they were attached to the manuscript form, which is identical in words with the printed heading which I submitted to my father for signature. I believe my father never saw the manuscript to which his name is attached, but it is, as above stated, the same verbally as the one I submitted to him. I do not know the names of the persons appointed to procure signatures. I was not one of them, to my knowledge. The Secretary of the Board of Trade sent me one of the lists, and I took it round to my friends. I cannot say whether my father's name being at the head of the petition induced others to sign. Every man, with some few exceptions, upon whom I waited for his signature to the petition seemed delighted that something was being done to remove and set at rest the general feeling that something was wrong in the Registry Office. I did not make to the other signers the same representations which I had made to my father. Most of the signers whom I procured read the petition, and signed it on their own judgment. They were all intelligent merchants. The only person that I can say I induced to sign the petition, according to the best of my conviction, was Harrison Stephens, my father, he being the only person whom I think I could so influence.

Sworn before me, at the City of Montreal,
this 12th day of January, 1887.

(Signed,)

GEO. W. STEPHENS.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 47.)

The deposition of THOMAS CRAIG, of the City of Montreal, Esquire.

I am actuary to the Montreal Permanent Building Society, which Society has occasion to require from the Registry Office certificates of search and to register their obligations. It is my duty to go to that office on such business, and in the execution of that duty I meet with no difficulty in that office in getting certificate of searches, and in getting back deeds deposited for registration, after a delay of a few months. I generally go back for them three or four times a year, and have found those deposited there ready for re-delivery within that delay. With regard to searches I generally get the certificates on the day following that on which the search was ordered. I have no fault to find with the Registrar or his deputy or subordinate officers, from all of whom I have always received every politeness and attention when business has required me to visit the Registry Office. The Montreal Permanent Building Society, in whose service I have been five

* From the date of this deposition, Jan. 12, 1887, to the day of my closing this enquiry, Feb. 12, 1887, no persons other than those whose depositions are given came to afford any information.—G. F.

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years, has not suffered from any error of omission or commission in any registration or search made in the Registry Office of which Mr. Ryland is Registrar. The fees charged have been, as far as I know, always according to the published Tariff.

(Signed,) THOMAS CRAIG.

Sworn before me at the City of Montreal,
 the 14th day of January, 1867.

(Signed,) GEORGE FUTVOYE,
 Commissioner.

(No. 48.)

The deposition of OWEN JOSEPH DEVLIN, of the City of Montreal, Esquire, Notary Public.

In my capacity of Notary Public, business frequently takes me to the Registry Office in this city. I have no acquaintance with the Registrar or his Deputy except that acquired by official intercourse. I have had, in the course of my practice, much business with the Registry Office in registering deeds and in obtaining certificates of searches made for my clients, and I have no hesitation in stating that no public officer in this country, as far as I have seen, treats the public with more uniform politeness and attention than the Registrar and his deputy. From what I know of that office and its management, I believe that it is the system prescribed by law for the guidance of the Registrar which is at fault, and not the manner of executing by the Registrar or his deputy the requirements of that system. I have not suffered from any irregularity or inaccuracy in any of the proceedings in that office nor am I aware of any of my clients having so suffered or had any reason to complain.

(Signed,) O. J. DEVLIN.

Sworn before me, at the City of Montreal,
 the 14th day of January, 1867.

(Signed,) GEO. FUTVOYE,
 Commissioner.

(No. 49.)

The deposition of HENRY JACKSON, of the City of Montreal, Esquire.

I own real estate in the City of Montreal. About the year 1841 a mortgage for twelve thousand pounds was registered in the Registry Office in the City of Montreal, on property owned by me and situate in St. Denis Street and St. Lewis Street, consisting of thirteen cut stone houses. A few years ago when Mr. Louis Beaudry purchased from me one of those houses situate in St. Denis Street in that part called Cornwall Terrace and being number seven, the sale was made upon condition that the property was clear of all encumbrance. A certificate granted by the Registrar showed that a mortgage of twelve thousand pounds still remained undischarged, notwithstanding the whole of that amount had been paid, and a discharge registered before and at the time such certificate was granted. On representations made to the Registrar to convince him that the amount of the mortgage had been paid and the discharge registered in his office, another certificate in an amended form was afterwards granted, shewing that the properties in question were free from mortgage. I was treated very cavalierly and instead of any apology for so gross an error, quite the reverse was the case.

(Signed,) HENRY JACKSON.

Sworn before me, at the City of Montreal,
 the 14th day of January, 1867.

(Signed,) GEO. FUTVOYE,
 Commissioner.

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(No. 50.)

Letter of THOMAS RITCHIE, Esquire, Advocate.

15th January, 1867.

MY DEAR SIR,—I am in receipt of your note of yesterday's date, with extract from Mr. Stephens' deposition (48). He no doubt refers to the same affair as Mr. Hopkins (12), and is in error in saying that I told him I had a certificate, &c. What I told him was that I had applied for a search; and that a certificate had been prepared for signature in which a certain important hypothec had been omitted. It was the apparent danger which startled me, if I had asked for a certificate and had not known of the change in question.

Yours truly,
(Signed,)

THOS. W. RITCHIE.

GEO. FUTVOYE, Esquire,
&c., &c., &c.

(No. 51.)

The deposition of WILLIAM FRANCIS LIGHTHALL, of the City of Montreal, Esquire, Notary Public.

I am proprietor of real estate in the City of Montreal, and as such as well as in my capacity of Notary Public, have had business with the Registry Office in that city, for the purpose of registering deeds and of transacting there such other business as my profession may require. I have no desire to enter at present into any complaint with respect to the Registry Office, because in the petition I signed, a Commission consisting of six professional and mercantile gentlemen, in whom the community would have confidence was prayed for, and with all due respect to His Excellency and Council, I appear before this Commission, but having no confidence that any public good will result from the present enquiry. I have never experienced any want of civility in the Registry Office.

(Signed,)

WM. LIGHTHALL.

Sworn before me, at the City of Montreal,
the 13th day of January, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 52.)

The deposition of JOHN HELDER ISAACSON, of the City of Montreal, Esquire, Notary Public.

I am one of the signers to a petition soliciting an enquiry into the management of the Registry Office, in the City of Montreal, where I have business in my capacity of Notary. I have no complaint personally to make against the Registrar or his employees. On the contrary they have invariably given me every facility in the transaction of my business. I signed the petition in question because I desire to see a system adopted in that office better suited to the wants of a large city like Montreal. I have never nor has one of my clients ever suffered by any error or inaccuracy, as far as I know, in any registration or certificate of search made in that office. The delay is the great inconvenience generally complained of; but from my experience in my practice, I attribute that to the defects in the system.

(Signed,)

JOHN H. ISAACSON.

Sworn before me, at the City of Montreal,
the 15th day of January, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

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(No. 53.)

The deposition of EDMOND P. FRECHETTE, of the City of Montreal, Esq., Notary Public.

I hold real estate in the City of Montreal, and as proprietor as well as in my capacity of Notary, am brought in relation with the Registry Office for the purpose of getting deeds registered and obtaining certificates of searches therein made. I think I have caused deeds to be registered for C. S. Rodier, Esquire. I have always been well and politely treated by the Registrar or his employees whenever I have had business there. I have never suffered any loss by any error in that office nor do I know of any. On two occasions when I lost the receipts given me on the deposit of deeds for registration, I obtained the deeds upon properly identifying myself as the depositor, and giving my receipt for them, without which I could not have expected to get them. I have no complaint to make against the Registrar of the Registry Office in Montreal, or against any of his subordinates, but I think the delay, which in my opinion is necessarily occasioned by the present system of limiting the number of books, ought to be removed by some change in the provision of the law which imposes that limitation.

(Signed),

ED. P. FRECHETTE.

Sworn before me, at the City of Montreal,
the 16th day of January, 1867.

(Signed),

GEO. FUTVOYE,

Commissioner.

(No. 54.)

The deposition of CHARLES THIBAUT, of the City of Montreal, Advocate.

On the fourth or the fifth day of December, 1865, I went to the Registrar's Office, where I had been at least ten times in the space of the previous fortnight, to obtain a paper in a case in which J. A. Chapeleau was concerned with Joseph Fortier. It had been promised from day to day that the paper in question should be ready, and on this day, on asking for it from the Deputy Registrar who was inside the counter in the outer office, and I being on the outer side of the counter which was open, to the best of my knowledge, he put his hand on my shoulder, giving an answer I did not understand. There were in the office three or four gentlemen who spoke English. The deputy appeared to me to have been drinking, and he appeared angry at the request made by me. This was, as far as I can recollect, between FOUR and FIVE in the afternoon, as I know I had been at the office two or three times in the course of the same day. On my going out the deputy pushed the door leading to the porch. This occurrence is the same mentioned by me in my letter, bearing date the 6th December 1865, and addressed to the editors of the *Minerve* and *l'Ordre*, and which was published in these newspapers.* I have to complain of the delay in the registration of my contract of marriage deposited for registration about the end of April or the beginning of May last, and which I could not obtain until the beginning of the present month. It was not in the private office of the Registrar that the affair of the 5th of December took place. I am under the impression that the paper in question had been returned to the Sheriff before my last application for it. I now know that the office hours in the Registry Office are fixed by statute, but on that occasion I was under the impression that the office closed at five in the afternoon, because I saw the employees of that office often there until that hour, and I had received papers from that office as late as four or five o'clock, P.M. I am under the impression that my letter was written on the 5th of December.

(Signed),

CHARLES THIBAUT.

Sworn before me at the City of Montreal,
the 16th day of January, 1867.

(Signed),

GEORGE FUTVOYE,

Commissioner.

* See correspondence on this subject, appendix N.

(No. 55.)

The deposition of DAVID PELLETIER, of the City of Montreal, Trader.

I own property in the Registration Division of Montreal, in the Parish of Sault aux Recollets, the deeds relating to which are registered in the Registry Office of that Division, having been there deposited by L. O. Hétu. I am not aware of any error in the registration, for which seventeen dollars were paid, about three months ago. I reside in Notre Dame street, immediately opposite the Registry Office. I am not aware of the office hours prescribed by law for the public business in the Registry Office. I have seen for several years past that there was light in that office late at night, at hours varying from eight to ten o'clock, and know that there is somebody at the office almost every Sunday. I have seen from my windows of the first story of my residence, viz: that immediately above the shop, particularly on a Sunday in December last, something which was apparently a man quite naked, sitting on a chair in the room of the Registrar's Office, having* the last window on the west, and in such a position that his whole body from his thighs upwards was seen from my windows. I cannot say whether it was a living man or a portrait, but my impression is that it was a picture. Afterwards I saw what appeared to be two persons holding each other by the neck. My impression was that a theatrical representation was being made, and I passed about two hours at my window in looking at it. The person I mentioned had dark whiskers. This occurrence on Sunday was between eleven and twelve in the morning. The person I mentioned was a young man. I once saw a notorious woman named Aubuchon go to the Registry Office, but know not for what purpose. I saw one day, about the 24th or 25th of December last, two young men sitting in the Registrar's Office (the private office), close to the windows, one took a newspaper and gave it to the other, who put it over his head to give himself the appearance of lying down. I have never seen or known any improper character visit the Registry office with improper motives known to me. I have been under the necessity of nailing linen to the window of the bed-rooms in my residence, because I had seen a telescope directed towards them from the Registrar's Private Office. I say that the Registrar's Office is a scandal (*scandale*) to the neighborhood as regards myself, but only from what I have now deposed. Before December last I had never seen anything at that office that was offensive to me, and it was not until the occurrence of the Sunday in question that I nailed linen to my window. I am aware that the Registrar's Office has been the subject of special inspection by the order of the Government, but did not know that the enquiry was going on at the time I complained of, and I declare that I have nothing further to say than what is included in the foregoing deposition.

(Signed,) D. PELLETIER.

Sworn before me, at the City of Montreal,
the 16th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

N.B.—The above deposition was taken at 1 p.m., after the delivery to Mr. Pelletier of Letter V and two previous summonses being duly served on him.—G. F.

(No. 56.)

The deposition of JOHN HOOLAHAN, of the City of Montreal, bailiff,

In the course of the years 1861 and 1863 I received from John Popham, Esquire, advocate, legal process, being writs of summons, to serve on Geo. H. Ryland, Esq., while I was directed to serve on him personally as Mr. Popham informed me that Mr. Ryland had no domicile in the City of Montreal, but I made no enquiry about his domicile and made the services personally.

(Signed,) JOHN HOOLAHAN.

Sworn before me, at the City of Montreal,
the 16th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

* See deposition No. 66, and letter of Mr. Hopkins No. 68.

(No. 57.)

The deposition of ANTHONY BROGAN, of the City of Montreal, bailiff.

In the year 1866, I believe in the month of September, I had two writs of *saisie-arrêt* after judgment to serve on George H. Ryland, Esq., but I could not find him, as I was told by P. Ryan, Esquire, that he had left his domicile in Lartigue Place on Sherbrooke Street, but those writs were afterwards served by Mr. St. Armand by leaving them at the Registry Office. I cannot say whether Mr. Ryland resided in town or not at that time. I saw Mr. Geo. Stephens on Saturday last and he asked me to come to the Registry Office and give evidence with reference to the service of the above-mentioned *saisie-arrets*; but I declined doing so until I received a summons to which I readily attended.

(Signed,) A. BROGAN.

Sworn before me, at the City of Montreal,
the 17th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 58.)

The deposition of JOHN A. PERKINS, of the City of Montreal, Esquire, Advocate.

As Advocate I have had business with the Office of the Registrar of the Registration Division of Montreal, for depositing deeds for registration and obtaining certificates of searches relating to business of my clients. The delay in obtaining deeds deposited for Registration often has extended to my knowledge to several months; but when it was necessary to produce immediately a registered copy, I have obtained from the Registrar the copy deposited by leaving with him a duly compared transcript of it, he giving me the certificate of Registration as to the day and hour of deposit. I refer more particularly to *Actes de Tutelle*. Last year a notice of property to be affected by a judgment in the case of *Davie vs. Hervieux*, was, as I understood, and as appears by the Cash Book kept by myself and Geo. W. Stephens, deposited with the Registrar, and on my application some time after, to give notice of property to be affected by a judgment in the case of *Geo. B. Muir vs. the same Hervieux*, I found that the first notice so deposited had not been registered, because, as I was informed at the Registrar's Office, the necessary fees had not been paid. On the fees being paid by me on both notices they were duly registered, the first, namely, that in the case of *Davie vs. Hervieux* taking precedence. I have always met with civility and politeness from the Registrar and his deputy in their office, which I visited but seldom. In reference to the certificates of the Registrar to be attached to Sheriff's return of real estate, I have frequently found the return of the writ delayed, as I was informed, in the Sheriff's Office, from the fact of the Registrar not having furnished his certificate, and in a case of *Perkins vs. Moir*, in which the property was sold last June, the certificate and return have not, to my knowledge, yet been made, and I have always been informed at the Sheriff's Office, that the delay was occasioned by the non-production of the Registrar's certificate. In December last I failed to obtain the Registrar's certificate of charges in the case *Ex parte, Lyman et al.*, in time to take proceeding to obtain confirmation of title, which I have not yet obtained, nor have I yet obtained the Registrar's certificate. I do not know what may be the cause of the delay in the Registrar's Office, but I consider that that delay is far too great in the return of documents deposited for registration and in the granting of certificates of searches.

(Signed,) J. A. PERKINS, Jr.

Sworn before me, at the City of Montreal,
the 18th day of January, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 59.)

The deposition of J. AUGUSTIN LEVERT, of the City of Montreal, Notary Public.

I am employed in the Office of the Registrar for the Registration Division of Montreal. I attend daily from nine in the forenoon, until five in the afternoon. My duties extend principally to making searches to afford the Registrar the necessary information to grant certificates of search. The transcription into the Registers is done by various clerks, numbering from five to seven. Two always commence at seven in the morning and work till the middle of the day, until they have completed their task, which is about nine pages. They are replaced by others who work until after six in the evening until the same task has been completed. I am aware that the Registrar and his deputy attend the office on non juridical days, as I am informed, to examine the work that has been done in the office. The principal delay in transcribing deeds into the Registers is occasioned by the limited number of books, and the impossibility of more than one copyist being engaged at the same time on the same Register. If the law allowed more than one Register for each class of documents to be opened at the same time, more copyists could be employed and the delay proportionately reduced. I have been employed in the Registry Office more than twelve years, and have seen all kinds of characters come on official business, but I know of no improper conduct on the part of the Registrar.

(Signed,)

J. A. E. LEVERT.

Sworn before me, at the City of Montreal,
the 4th day of February, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 60.)

The deposition of BENJAMIN DURAND, of the City of Montreal, Notary Public.

I am employed in the Registry office in the City of Montreal, as copyist. I attend daily from seven in the morning till noon, or a little later, when I am replaced by another, who I understand continues to write in the same register until six or seven in the evening, or until he has completed the ordinary task of nine pages. During the time I am in the office another copyist is employed in transcribing into another register. His name is Joseph Senez. No greater number of writers than that employed could be copying at the same time, as the number of registers is limited, and as the law requires the entries to be made *consecutively*. It is to my knowledge that the Registrar attends the office on Holidays, but I know not for what purpose. I am never at the office when it is closed to the public in the afternoon.

(Signed,)

BENJAMIN DURAND.

Sworn before me at the City of Montreal,
the 5th day of February, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 61.)

The deposition of JOSEPH SENEZ, of the City of Montreal, Law Student.

I am one of the copyists in the Registry Office for the Registration Division of Montreal, where I attend daily from seven o'clock in the forenoon until noon or so soon after as I have completed the amount of transcription required by the Registrar from all the writers, being about nine pages. I am then replaced by another copyist, Mr. Messier, who continues to write in the same Register until he has performed the same task, and which generally occupies him till six or seven o'clock in the evening. The Registrar in

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which I write is that containing "*deeds of alienation and conveyance*." Another volume for "*obligations*" is written up by Mr. Durand, and the gentleman who takes his place in the afternoon. Unless a greater number of books was provided for, no greater expedition could take place in the entry in those two Registers, which contain the principal, and the great number of deeds to be registered, as no more than one copyist can be writing in the same Register at one and the same time. I have been engaged in this employment more than three years. I know that the Registrar now resides in the City of Montreal.

(Signed,)

JOSEPH SENEZ.

Sworn before me, at the City of Montreal,
the 5th day of February, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 62.)

The deposition of EMMANUEL MESSIER, of the City of Montreal, Notary Public.

I have been engaged as transcribing clerk in the office of the Registrar for the Registration Division of Montreal, since the month of July, 1861. I attend there daily from the middle of the day to replace the writer who has been engaged writing in the same Register from seven in the morning, and taking up the work from the last word written by him I transcribe into the same Register until I have completed the task assigned to me, nine pages, which generally occupies my time till six or seven in the evening. Without a larger number of books no greater number of copyists could be employed. Besides the four clerks ordinarily employed on the Registers for "*Sales*" and "*Obligations*," there are three other gentlemen besides the Registrar employed in the office, namely: Warwick H. Ryland, the Deputy Registrar, and Mr. Augustin Levert, and Mr. John Lloyd, making in all seven; besides the Registrar. If there were a greater number of clerks they could not be employed under the present system, which require documents to be transcribed *consecutively*.

(Signed,)

EMMANUEL MESSIER.

Sworn before me, at the City of Montreal,
the 5th day of February, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 63.)

The deposition of JOHN WHYTE, of the City of Montreal, Official Assignee.

I am one of the signers to the Petition in question, which I signed on its being presented to me for signature, previously to which I was ignorant of the intention of getting up any such Petition or of its contents. The only complaint I have to make is the great delay in obtaining from the office documents deposited for registration, which delay I have always considered too great, and which exposes people to great inconvenience and causes a feeling of insecurity. In my capacity of Official Assignee, I find a very great inconvenience by the delay in obtaining Registrar's certificates of title of real estate belonging to insolvents, the arrangement of whose affairs falls into my hands. I am not aware of the cause of such delay, but some remedy to remove it is highly desirable. In my experience I know of no case of loss being suffered from error in registration or inaccuracy of certificate of search in the Registry Office in question.

(Signed,)

JOHN WHYTE.

Sworn before me, at the City of Montreal,
the 6th day of February, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 64.)

The deposition of ALEXANDER CROSS, of the City of Montreal, Esquire, Advocate,
Q. C.

I am proprietor of real estate in the City of Montreal, and as such as well as in my capacity of Advocate, have had business with the Registry Office in question. I, as well as my clients, have suffered much from the delay in the delivery of documents deposited for registration. This delay has to my knowledge extended to three or four months, but I am not prepared to say positively that that delay has ever extended to six or eight months, but my impression is that a delay of six months has occurred in one or more cases in which I was interested. The Registrar has always afforded me every facility, and that with politeness, in any search I have had to make, and the same courtesy has been always shown to me by his deputy and assistants. I have not made the subject of registration my particular study, but have always attributed the delay complained of to the system and not to anything on the part of the Registrar. The petition was presented to me by Geo. W. Stephens, Esquire, as being for general enquiry into the Registry Office. I have not understated the delay, and I am decidedly of opinion that a reform in the system is extremely desirable.

(Signed,) A. CROSS.

Sworn before me, at the City of Montreal,
the 7th day of February, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 65.)

The deposition of JOHN LLOYD, of the City of Montreal, Esquire.

I have been employed in the Registry Office for nearly two years, where I attend daily from 9 A.M., to 4 P.M. My duties are to keep all the various indices, to write up the minute book, and to assist in the general work of the office.

Two of the clerks attend from 7 A.M. to 12 at noon, when they are relieved by two others who work until 7 P.M., transcribing in the Registers on an average of 9 or 10 pages a day each.

Besides myself there are five other clerks employed in the office, independently of the Deputy Registrar, making in all seven.

(Signed,) JOHN LLOYD.

Sworn before me, at the City of Montreal,
this 12th day of February, 1867.

(Signed,) GEO. FUTVOYE,
Commissioner.

(No. 66.)

The deposition of WARWICK HASTINGS RYLAND, Deputy Registrar for the Registration Division of Montreal.

With reference to the deposition of Mr. George Stephens (No. 46), the document to which he refers was brought to the office without payment of the Registrar's fees, and without the law stamps necessary to pay the Court House tax, and consequently it was not enregistered until his partner Mr. Perkins complied with the law in this respect. With regard to Mr. Thibault's statement in his deposition (No. 54), I can merely say

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that he came into the office, long after office hours, having no business of his own connected with it, and conducted himself in such a manner that I was obliged to order him out.

As for Mr. Pelletier's statement in his deposition (No. 55), I am not aware of any theatrical representation having taken place, nor could there have been any without my knowledge, as I keep the keys of the room to which he referred, the duplicates of which are in the care of the servant in charge of the office. Moreover any professional man could prove the *physical impossibility* of any individual looking into the office from the position which Mr. Pelletier said he occupied. His whole evidence therefore is utterly unfounded and without truth.

(Signed,)

W. H. RYLAND.

Sworn before me, at the City of Montreal,
the 12th day of February, 1867.

(Signed,)

GEO. FUTVOYE,
Commissioner.

(No. 67.)

Statement made by WILLIAM WORKMAN, of the City of Montreal, Esquire, but not reduced to the form of a deposition.

I am a proprietor of real estate in the City of Montreal, and am one of the signers of the Petition asking for an investigation into the Registry Office for the Registration Division of Montreal. I do all my business through my Notary, Théod. Doucet, who deposits at, and withdraws from, the Registry Office all my deeds requiring registration, so that I am not particularly conversant with any complaint made against the Registry Office as to the working of the system, but I think that that system could be greatly improved by adopting some plan whereby properties could more easily be found, and the hypotheses upon them, without reference to the name of the owner.

(No. 68.)

Statement of W. J. HOPKINS, of the City of Montreal, Architect, in reply to certain inquiries made of him.

MONTREAL, February 12, 1867.

DEAR SIR,—In accordance with your instructions, I have made the necessary measurements between Mr. Pelletier's house and the Registrar's Office, across Notre Dame street, as well as sundry other dimensions necessary to enable me to answer the questions you put to me. These I have laid down to scale upon the accompanying drawings,* and which, I think, will demonstrate the points upon which you require information better than any lengthened written explanation could do.

1st. The distance from front wall of Mr. Pelletier's house to that of the Registrar's Office is 136 feet 5 inches.

2nd. The height from pavement to eye of person on first floor of Mr. Pelletier's house is from 19 feet 6 inches to 20 feet. The height of the eye above floor being taken at 5 feet 6 inches.

3rd. The height of bottom of window in Registrar's Office, *outside*, is 5 feet, *inside* 4 feet 7 inches. These dimensions are taken up to the top of the lower wooden rail of the sashes.

4th. The dimension of the window, *i.e.*, the glazed portion, is 3 feet 8 inches high by 2 strips of 12 inches wide each.

5th. The oblique distance from eye on first floor of Pelletier's house and bottom of window is 141 feet.

* Not copied.

Esquire, Advocate,

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The prolongation of this line would strike the back wall of the "retiring room" in rear of the Registrar's Office at 2 feet 3 inches above the floor level, and the projection of the line would not strike the floor itself nearer than a distance of 24 feet outside and beyond the back wall above named.

6th. In my opinion there is no possibility whatever of seeing what is doing in a dark room, under any circumstances, at the distances above named, and the difficulty is still further increased when there are two pairs of double windows to be seen through in making the attempt.

I am, Dear Sir,
Yours faithfully,

JNO. WM. HOPKINS,
Architect, &c.

GEORGE FUTVOYE, Esq.,
Montreal.

(No. 69.)

Letter from THOMAS RIMMER, Esquire.

MONTREAL, 2nd January, 1867.

SIR,—I have your circular requesting me to attend and give evidence at your office, respecting the management of the Registration Office.

The Petition sent to the Government last year was drawn up at the request of the Board of Trade here, at their annual meeting. The Council were requested to forward it to the proper authorities.

As Vice-President of the Board of Trade, I deemed it my duty to sign this Petition (asking for an enquiry), as the complaints against the management of this Office were numerous and of a serious nature.

Mr. Henry Lyman, Mr. Wm. Darling and Mr. Jesse Joseph (especially the latter), were amongst those who were the chief parties complaining (so far as I have any personal knowledge). I refer you to these gentlemen. I have no personal knowledge in the matter myself.

Your obedient servant.

THOS. RIMMER.

GEORGE FUTVOYE, Esq.

(No. 70.)

Letter of GEO. SHAW, Esquire, of the late firm of G. & D. Shaw, whose names are attached to the Petition.

MONTREAL, 3rd January, 1866.

DEAR RYLAND,—I enclose notice received to-day. I never signed or had cause to sign any such Petition, and can only say that I have been treated with the greatest politeness in your Office, when I had occasion to call there. Any business I have had has been got through with a despatch I did not expect in a public office.

Yours very truly.

GEORGE SHAW.

W. H. RYLAND, Esq.,
Dep. Reg., Montreal.

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OTTAWA, January 21st, 1867.

SIR,—As I shall be absent from the City of Montreal for about a week, I will feel obliged by your furnishing me, by the time I return, with your own remarks on the 4th item of the Petition now before me, in connection with the 7th paragraph thereof as regards the 48th, 49th, 60th, and 61st clauses of the Registry Law, more particularly whether the requirements of those enactments have been strictly observed in your office, and if not, by favoring me with your reasons for not so strictly observing them, and the manner in which they have been observed.

I have the honor to be, Sir,
Your most obedient servant,

GEO. FUTVOYE,
Commissioner.

G. H. RYLAND, Esq.,
Registrar, Montreal.

January, 1867.

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GEORGE SHAW.

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REGISTRY OFFICE,
Montreal, 23rd January, 1867.

SIR,—I have to acknowledge the receipt of your official communication of the 21st instant, relative to the fourth item of the Petition from certain inhabitants of Montreal, now before you, asking for an enquiry into the management of the Registry Office under my charge.

In reply I beg to state that the requirements of the 48th section of the Registry Law have been carried out with this slight difference, that whereas all general mortgages are created by Judgments of Court and Actes of *Tutelle*, to which the notices, when deposited for registration, are invariably attached, I have considered it best to enregister both in the book kept for this special purpose, as affording greater facility of reference; as regards the 49th section, there have as yet been no renewals, consequently the law as regards these Instruments, is still in a measure, a dead letter.

With respect to the sections 60 and 61, I have to state that the requirements of the law are complied with as strictly as possible.

The Index to names is made up daily, but the page is, of course, not inserted until the full length transcriptions are completed. Inasmuch, however, as an Index to Estates has never been kept in Montreal, it is not the practice to enter the names of the parish, township, &c., &c., in the Alphabetical Index for names, particularly as the greater part of the documents deposited for registration relate to property in the City of Montreal, and the locality in every instance, wherever situated, is inserted in the Minute Book, on the accuracy of which our searches for property may be said to depend.

I have the honor to be, Sir,
Your most obedient servant,

G. H. RYLAND,
Registrar.

GEORGE FUTVOYE, Esq.,
Commissioner, &c., &c.

(J.)

STATE OF REGISTERS ON 12TH FEBRUARY, 1867.

Memorials.

Register.	No. of Vol.	Date of first entry.	Office Numbers given to Instruments.	Date of last entry.
A.	2	Dec. 13, 1864	889 to 1,453	Nov. 16, 1866

Wills.

B A	5	June 22, 1866	43,305 to 45,817	Jan. 8, 1867.
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Sales and Obligations.

B	90	March 5, 1866	43,965 to 44,804	Aug. 13, 1866
	91	May 21, 1866	44,219 to 44,815	Aug. 21, 1866
	92	Aug. 21, 1866	44,816 to 45,558	Dec. 3, 1866
	93	Aug. 29, 1866	44,807 to 45,800	Dec. 15, 1866

Marriage Contracts.

B B	9	March 3, 1866	43,753 to 45,956	Jan. 22, 1867
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Judgments, &c.

B C	4	April 18, 1864	37,786 to 45,719	Dec. 21, 1866
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Deeds of Partnership.

D C	2	June 6, 1865	2,706 to 3,149	Dec. 11, 1866
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Debentures.

D	7	Aug. 15, 1861	30,472 to 31,172	Aug. 15, 1861
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APPENDIX K.

Judgment and Evidence on application for security of costs by Defendant in case
 RYLAND vs. OGILVY.

PROVINCE OF CANADA, }
 District of Montreal. } SUPERIOR COURT OF LOWER CANADA.

The thirtieth day of April, one thousand eight hundred and sixty-six.

No. 2,590.

Present :

THE HONORABLE JUDGE BERTHELOT.

GEORGE H. RYLAND, of the City of Montreal, Esquire, Registrar of the Registration Division of Montreal,

Plaintiff.

vs.

JOHN OGILVY, of the same place, Esquire, Merchant,

Defendant.

The Court having heard the parties by their Counsel upon the motion made and filed by the Defendant in this cause, on the 26th February last past, that inasmuch as it appears by the affidavit therewith produced, that the Plaintiff resides without Lower Canada, and has his domicile in Upper Canada, he the said Plaintiff be held to give good and sufficient security for payment of said Defendant's costs, in case the Plaintiff should fail in his present action, and that all proceedings in this cause be stayed and suspended until such security be offered and received, having examined the proceedings and deliberated thereon, doth reject the said motion, with costs.

(Signed,)

HUBERT, PAPINEAU & HONEY,

P. S. C.

The said JOHN OGILVY, the Defendant in this cause, being duly sworn, maketh oath and saith :

That the said George H. Ryland, the Plaintiff, has for several years last past, except when absent at times from home and during occasional visits to the City of Montreal, continued to reside out of Lower Canada, to wit : at or near the Town of Pictou, in Upper Canada, where he has his domicile. That the said George H. Ryland is generally considered to be a resident of Pictou aforesaid, or its neighbourhood, and that his family is at present actually residing there. That to corroborate his present affidavit, deponent produces herewith a printed copy of an Official Return made by the then Provincial Secretary of this Province, "to an Address of the Honorable the Legislative Assembly, dated 2nd March, 1863, for copies of Reports made by the Inspector of Registry Offices in Lower Canada," which Return is hereunto annexed marked A, at page eight of which Return, in the Report made by George Futvoye, Esquire, as Inspector for the Registry Office for the Registration Division of Montreal, reference is made to the Registrar of the Registration Division of Montreal, to wit : the said George H. Ryland as "being at his usual residence in Upper Canada," thus shewing that he resided without Lower Canada, and further this deponent saith not.

(Signed,)

JOHN OGILVY.

Sworn before me, at the said City of Montreal,
 this 26th day of February, 1866.

(Signed,)

JOHN HELDER ISAACSON,

C. S. C.

JOHN WHYTE, of the City of Montreal, in the District of Montreal, Official Assignee, being duly sworn, maketh oath and saith :

That he is well acquainted with George H. Ryland, Esquire, Registrar of the Registration Division of Montreal, to wit : the Plaintiff in this cause, and has been so acquainted with him for upwards of fifteen years.

That the residence of the said George H. Ryland is out of Lower Canada, namely, at or near the Town of Picton, in Upper Canada, where the said George H. Ryland had resided and had his domicile for the last four years, and where the family of the said George H. Ryland is at present residing.

That during the course of the last six months this deponent was desirous of having certain documents or pleadings of the Court of Chancery in Upper Canada served upon the said George H. Ryland in matters in which he and this deponent were concerned ; but that this deponent, after making diligent search and careful enquiry, was unable to find any domicile of the said George H. Ryland in the District of Montreal, and deponent was unable, therefore, to have service made there upon the said George H. Ryland, who could not be found in Montreal, and deponent was finally obliged to have said documents or pleadings served upon the said George H. Ryland in Upper Canada.

That this deponent has been unable to levy anything under a Writ of Execution issued against the Plaintiff in the District of Montreal for a sum exceeding one hundred pounds, for which deponent had obtained judgment against the said George H. Ryland.

That to the best of deponent's knowledge and belief, the said George H. Ryland is not possessed of any property within Lower Canada sufficient to guarantee the payment of the costs of the present suit, and further the deponent saith not.

(Signed,)

JOHN WHYTE.

Sworn before me, at the said City of Montreal,
this 23rd day of February, 1866.

(Signed,)

J. A. LARADIE,

C. S. C.

DONALD FRASER, of the Town of Picton, in the County of Prince Edward, in that part of the Province of Canada which formerly constituted the Province of Upper Canada, Merchant, being duly sworn, maketh oath and saith :

That he is well acquainted with George H. Ryland, Registrar of the Registration Division of Montreal, in Lower Canada. That the said George H. Ryland has for the last eight years, except when occasionally absent from home, constantly resided near the Town of Picton aforesaid, with his family.

That to the best of this deponent's knowledge and belief the actual domicile of the said George H. Ryland is near Picton aforesaid, and he is generally considered to be a resident of the Township of Hallowell, near the said Town of Picton. That the family of the said George H. Ryland is at this moment actually residing near Picton aforesaid, in the house which constitutes the domicile of the said George H. Ryland, where they have been residing during the past year, and up to the present time ; and further deponent saith not, and he hath signed.

(Signed,)

DONALD FRASER.

Sworn before me, at Picton aforesaid,
this 18th day of March, 1866.

(Signed,)

R. J. FITZGERALD,

A Commissioner of the said Superior Court, for taking affidavits in Upper Canada, for use in Lower Canada, under Consolidated Statutes of Canada, chapter 79.

WILLIAM G. KEMP, of the Town of Picton, in the County of Prince Edward, in Upper Canada, Merchant's Clerk, being duly sworn, maketh oath and saith ;

That he is well acquainted with George H. Ryland, Registrar of the Registration

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Division of Montreal, in Lower Canada. That the said George H. Ryland has, for the last several years, except when occasionally absent from home, constantly resided at or near the Town of Pictou, aforesaid, with his family.

That to the best of this deponent's knowledge and belief, the actual domicile of the said George H. Ryland is at or near Pictou aforesaid, and he is generally considered to be a resident of the Town of Pictou, or its neighborhood.

That the family of the said George H. Ryland is at this moment actually residing at or near Pictou aforesaid, in the house which constitutes the domicile of the said George H. Ryland, where they have been residing for the past year up to the present time, and further deponent saith not and hath signed.

(Signed,) WILLIAM G. KEMP.

Sworn before me, at Pictou, in the County of Prince Edward,
this 13th of March, 1866.

(Signed,) J. FITZGERALD,

A Commissioner of the said Superior Court, for taking affidavits in Upper Canada,
for use in Lower Canada, under Consolidated Statutes of Canada, cap. 79.

JOHN WADDELL, of the City of Kingston, in the County of Frontenac, in Upper Canada, builder, being duly sworn, maketh oath and saith;

That he is well acquainted with George H. Ryland, Registrar of the Registration Division of Montreal, in Lower Canada. That the said George H. Ryland has, for the last several years, except when occasionally absent from home, constantly resided at or near the Town of Pictou, in the County of Prince Edward, in Upper Canada, with his family. That to the best of deponent's knowledge and belief, the actual domicile of the said George H. Ryland, is at or near Pictou, aforesaid, and that he is generally considered to be a resident of the Town of Pictou.

That the family of the said George H. Ryland is actually at this moment residing at Pictou, in the house which constitutes the domicile of the said George H. Ryland, where they have been residing during the past year, and up to the present time; and further deponent saith not and hath signed.

(Signed,) JOHN WADDELL.

Sworn before me, at Kingston, aforesaid,
the 24th day of February, 1866.

(Signed,) JAS. A. HENDERSON,

A Commissioner of the said Superior Court, for taking affidavits in Upper Canada,
for use in Lower Canada, under Consolidated Statutes of Canada, cap. 79.

The above deposition was sworn before me, at the City of Kingston, the 24th day of February, 1866.

(Signed,) JAS. A. HENDERSON,

A Commissioner under Consolidated Statutes of Canada, cap. 79,
for taking affidavits in Upper Canada, for use in Lower Canada.

PIERRE RYAN, of the City of Montreal, Esquire, Advocate, being duly sworn, maketh oath and saith:—That he is acting Agent and Solicitor on behalf of "The Roman Catholic Episcopal Corporation of Montreal," in and about the letting and leasing of certain houses and property belonging to the said Corporation in the City of Montreal.

That on or about the 30th day of May, 1864, by deed of lease passed at Montreal, on the said last-mentioned day, before M^{rs}. A. G. Bourbonniere and Colleague, Notaries, and whereof an authentic copy is hereunto annexed, the said Corporation let and leased for the term of one year, from the first day of the said month of May, unto Captain Edward Welch, of the said City of Montreal, Esquire, Barrack Master, but since deceased, that certain dwelling house known as number one, Place Lartigue (or Lartigue Place), Sherbrooke street, in the said City of Montreal. That the said Captain Edward Welch

had and enjoyed possession of the said house as the tenant, *locataire*, of the said Corporation, in accordance with the terms of the said lease, which was continued by *tacite reconduction* for another year, from and after the first day of May, 1865, and he continued to use and occupy the said house, under the said lease until the time of his death, to wit, on or about the 26th day of November, 1865, since which time the said Roman Catholic Episcopal Corporation of Montreal holds Dame Sophia Ann England, widow of the said Edward Welch, responsible for the said rent; and deponent believes that the furniture garnishing the said house belongs to said Dame Sophia Ann England, and deponent hath signed.

(Signed,) PIERCE RYAN.

Sworn before me, at the City of Montreal,
this 24th day of March, 1866.

(Signed,) J. H. JOBIN,
C. S. C. district of Montreal, L. C.

WILLIAM C. HARRIS, of the City of Montreal, gentleman, being duly sworn, maketh oath and saith:

That he is credibly informed and hath every reason to believe and doth believe that the dwelling house number one, Place Lartigue (or Lartigue Place), Sherbrooke street, City of Montreal, hath not been and is not now tenanted by the Plaintiff in this cause, George H. Ryland, but hath been and is now occupied by one Henry Bawtree, a sub-tenant to Dame Sophia Ann England, widow of the late Captain Edward Welch, in his lifetime, Barrack-master, of Montreal, and further deponent saith not, and hath signed.

(Signed,) W. C. HARRIS.

Sworn at Montreal,
this 26th day of March, 1866.

(Signed,) J. S. HUNTER,
Com. Sup. Court, L. C.

ROBERT ANDERSON, of the City of Montreal, storeman, being duly sworn, maketh oath and saith:

That he is credibly informed and hath every reason to believe, and doth verily believe, that the dwelling house, No. 1, Place Lartigue (or Lartigue Place), Sherbrooke Street, in the City of Montreal, hath been and is at the present time actually sub-let by Dame Sophia Ann England, widow of the late Captain Edward Welch, in his lifetime of the said City of Montreal, Barrack-Master, now deceased, to Harvey Bawtree of the City of Montreal, Esquire, who now uses and occupies the said dwelling as sub-tenant of the said Dame Sophia Ann England.

That on Friday last, the 23rd day of March, now instant, this deponent proceeded to the said house, No. 1, Place Lartigue, in order to ascertain positively by whom the said house was occupied, and on ringing the bell at the front door of the said house, the said door was opened by one of the inmates of the said house, namely, one of the female domestics; that on deponent making enquiry of the said domestic whether the said house was Mrs. Welch's, the said domestic replied that it was, but that Mrs. Welch did not reside there at present, having sub-let the said house, with the furniture therein, to Mr. Bawtree (to wit the said Harvey Bawtree), who had taken the said house up to the first day of May, now next, and that the said Harvey Bawtree was the actual tenant of said house and was then residing there; that the said domestic further informed this deponent that she was the servant of the said Mr. Bawtree, and further deponent saith not and hath signed.

(Signed,) ROBERT ANDERSON.

Sworn at Montreal,
this 26th day of March, 1866.

(Signed,) J. S. HUNTER,
Com. Sup. Court, L. C.

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ent hath signed.
ERCE RYAN.

GEORGE H. RYLAND, of the City of Montreal, Esquire, being duly sworn upon the Holy Evangelists, deposeeth and saith :

That he is the Plaintiff in this cause ; That he has filled the office of Registrar of the County and District and Division of Montreal for a number of years past, and has always resided in the City of Montreal, and has kept said office there.

That at the date of the institution of this suit, deponent resided in Montreal and was a householder, keeping house at No. 1 Lartigue Place, Sherbrooke Street, where he still resides ; and further deponent saith not.

(Signed,) G. H. RYLAND.

Sworn before me, at Montreal,
this 14th day of March, 1866.

(Signed,) P. J. BEAUDRY,
Commissioner, C. S.

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signed.

C. HARRIS.

WARWICK HASTINGS RYLAND, of the City of Montreal, Esquire, being duly sworn upon the Holy Evangelists, deposeeth and saith :

That the Plaintiff in this cause, his father, is Registrar, and deponent is Deputy Registrar for the Registration Division of Montreal.

That the Plaintiff has for a number of years past resided in the City of Montreal, and he keeps his office there.

That at the time of the institution of this suit the Plaintiff resided in the City of Montreal, and was a householder, living at No. 1, Lartigue Place, Sherbrooke Street, where he still resides, deponent living there with him ; and further deponent saith not, and has signed.

(Signed,) W. H. RYLAND.

Sworn before me at Montreal,
this 14th day of March, 1866.

(Signed,) P. J. BEAUDRY,
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GILBERT SCOTT, of the City of Montreal, gentleman, being duly sworn upon the Holy Evangelists, doth depose and say :

That he is well acquainted with Geo. H. Ryland, the plaintiff in this cause, and is in the habit of meeting him almost every day.

That during the months of January and February last past the plaintiff resided at No. 1 Lartigue Place, Sherbrooke Street, in the City of Montreal, and still continues to reside there, and further deponent saith not, and he hath signed.

(Signed,) GILBERT SCOTT.

Sworn before me at Montreal,
this 22nd day of March, 1866.

(Signed,) J. BELLE,
C. S. C.

HARVEY BAWTREE, of the City of Montreal, gentleman, being duly sworn upon the Holy Evangelists, doth depose and say :

That he is well acquainted with George H. Ryland, the plaintiff in this cause, and is in the habit of meeting him almost every day.

That during the months of January and February last past the plaintiff resided at No. 1 Lartigue Place, Sherbrooke Street, in the City of Montreal, and still continues to reside there, and further deponent saith not, and he hath signed.

(Signed,) HARVEY BAWTREE.

Sworn before me at Montreal,
this 20th day of March, 1866.

(Signed,) P. J. BEAUDRY,
Com. S. C.

JAMES GODSCHALL JOHNSON, of the City of Montreal, gentleman, being duly sworn upon the Holy Evangelists, doth depose and say :

That he is well acquainted with George H. Ryland, the plaintiff in this cause, and is in the habit of meeting him almost every day.

That during the months of January and February last past the plaintiff resided at No. 1 Lartigue Place, Sherbrooke Street, in the City of Montreal, and still continues to reside there, and further deponent saith not, and he hath signed.

(Signed,) JAMES G. JOHNSON.

Sworn before me at Montreal,
this 19th day of March, 1866.

(Signed,) P. J. BEAUDRY,
Com. C. S.

F. W. HENSHAW, of the City of Montreal, merchant, being duly sworn upon the Holy Evangelists, doth depose and say :

That he is well acquainted with George H. Ryland, the plaintiff in this cause, and he is in the habit of meeting him almost daily.

That deponent resides at No. 2 Lartigue Place, Sherbrooke Street, in this city, and the said Ryland resides at No. 1, in the same row, and did so during the months of January and February, last passed, to my knowledge, and further deponent saith not, and he hath signed.

(Signed,) F. W. HENSHAW.

Sworn before me at Montreal,
this 19th day of March, 1866.

(Signed,) P. J. BEAUDRY,
Com. C. S.

(L.)

No. 5017.

On this *Eighth day of May*, in the year of Our Lord, one thousand, eight hundred and *six y-three*, before the Honorable *S. C. Monk*, one of Her Majesty's Justices of the Superior Court for Lower Canada, at the Court House, in the City of *Montreal*, personally appeared *George Herman Ryland*, Registrar for the *Registration Division of Montreal*, *Joseph Doutre*, of the said City of *Montreal*, Esquire, Advocate, and *Theodore de Montech*, of the parish of St. Charles, Esquire, who by these presents do and each of them doth acknowledge themselves and himself to be jointly and severally indebted to Our Sovereign Lady the Queen, in the sum of *Sixteen thousand dollars*.

The condition of this recognizance is such, that whereas the said *George Herman Ryland* hath been appointed Registrar for the County of *Montreal* now comprised in the *Registration Division of Montreal*, if the said *George Herman Ryland* do always well and truly, honestly and faithfully execute the said Office, and perform and fulfil all and every the duties enjoined and required to be done by him as such Registrar by law in all things, then this recognizance shall be void and of no effect, otherwise it shall remain in full force and virtue.

(Signed,) G. H. RYLAND.
JOSEPH DOUTRE.
T. DE MONTENACH.

Taken and acknowledged before me at Montreal,
this *eighth day of May*, one thousand eight
hundred and sixty-three, in duplicate.

(Signed,) S. C. MONK, S. J.

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PROVINCIAL REGISTRAR'S OFFICE,
Ottawa, 10th December, 1866.

I hereby certify the foregoing to be a true and faithful copy of the Record of the
Original Bond, as entered in Lib. G. Y., folio 553.

(Signed,)

GEO. H. LANE,

Dep. Prov. Registrar.

APPENDIX M.

*Documents and Correspondence relating to the SURETIES of the Registrar for the
Registration Division of Montreal.*

1. Commissioner to Assistant Provincial Secretary.
2. Assistant Provincial Secretary to Commissioner.
3. do do to do
4. Registrar to Assistant Provincial Secretary.
5. A. Kierzkowski to Registrar.
6. W. Hogan to do
7. Assistant Provincial Secretary to Registrar.
8. Registrar to Assistant Provincial Secretary.
9. Assistant Provincial Secretary to Registrar.
10. Registrar to Assistant Provincial Secretary.
11. do do do
12. Certificate of J. E. LeBlanc.
13. Provincial Secretary to Registrar.
14. Registrar to Provincial Secretary.
15. Certificate of Deputy Registrar, Richelieu.
16. Provincial Secretary to Registrar.
17. Registrar to Provincial Secretary.
18. do to Assistant Provincial Secretary.
19. Jos. Doutre to Provincial Secretary.
20. Provincial Secretary to Registrar.

(1)

REGISTRY OFFICE,

Montreal, Dec. 7, 1866.

MY DEAR SIR,—The Registrar for the Registration Division of Montreal informs me
that the Security Bonds given by himself with Messrs. Doutre & DeMontenach were both
transmitted by him to you.

As one of them is not, as it should be, enregistered in the Court of Queen's Bench or
Superior Court here, under the provisions of chapter 37 of the Consolidated Statutes for
Lower Canada, section 102, paragraph 4, page 380, will you be good enough to inform me
what may have become of the two duplicates so said to have been sent to you.

I have also to request you to furnish me with a copy of all correspondence relating to
the offering and accepting of those gentlemen as sureties and of any correspondence with
Mr. Ryland, or them in any way relating to Mr. Ryland's security, since Messrs. DeMontenach & Doutre became his sureties, except, of course, the petition which I have.

I have the honor to be, Sir,

Your most obedient servant,

(Signed,)

GEO. FUTVOYE,

Com. under cap. 13, Con. Stat. of Canada.

E. PARENT, Esq.,

Asst. Prov. Sec'y, &c., &c.

(2)

SECRETARY'S OFFICE,
Ottawa, 10th Dec., 1866.

SIR,—In reply to the first part of your letter of the 7th instant, I have the honor to inform you that one duplicate only of his security bond appears to have been transmitted by Mr. Ryland in 1863, as will be seen by his letter, dated 8th May, 1863, the said bond dated 8th May of that year, binding jointly himself and Messrs. Joseph Doutre and T. de Montenach, and which, after registration, was sent to the Minister of Finance.

I will cause the copies of correspondence you ask for to be made with all possible despatch.

I have the honor to be, Sir,
Your most obedient servant,
(Signed,) E. PARENT,
Asst. Sec'y.

GEO. FUTVOYE, Esq.,
Commissioner under chap. 13, C. S. C.,
Montreal.

(3)

SECRETARY'S OFFICE,
Ottawa, 11th Dec., 1866.

SIR,—With reference to the latter part of my letter to you of yesterday's date, I have the honor to transmit to you herewith copies of correspondence asked for by your letter of the 7th instant.

I have the honor to be, Sir,
Your most obedient servant,
(Signed,) E. PARENT,
Asst. Sec'y.

GEO. FUTVOYE, Esq.,
Com'r under ch. 13, C. S. C.,
Montreal.

(4)

REGISTRY OFFICE,
Montreal, 12th December, 1863.

SIR,—Previous to the receipt of your official communication, informing me that His Excellency the Governor General approved of Messrs. Doutre and Hogan as my Securities, I had received a letter from Mr. Sicotte to the same effect, and at once caused the necessary bonds to be prepared.

I regret, however, to add, that on calling upon the above named gentleman to appear before one of the Judges for the purpose of completing the recognizance, Mr. Hogan raised an objection on the ground that Mr. Workman, who had given him a credit of \$20,000 in Molson's Bank, had threatened to withdraw the accommodation if he became security for any public officer.

Immediately on the receipt of the enclosed note, marked No. 1, I applied to Mr. Kierskowski, whose letter, marked No. 2, I enclose.

I have since submitted to Mr. Abbott the name of Mr. Primrose of Quebec, and am now authorized to add that of Captain de Montenach.

I regret that there should have been so much delay in completing these recognizances, but His Excellency will perceive how difficult it is for a public officer situated as I am, to obtain, in a place where I have no family connections, security to so large an amount, extending in fact to every officer in my Department.

I have the honor to be, Sir,
Your most obedient servant,
(Signed,) G. H. RYLAND.

E. PARENT, Esquire,
Assistant Provincial Secretary,
&c., &c., &c.

Dec., 1866.

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(5)

St. CHARLES, 28th November, 1862.

MY DEAR SIR,—Our mutual friend (Capt. de Montenach) has transmitted to me your message in reference to a security you are in want of in lieu of one that became extinct by the death of a friend of yours.

I really would have felt gratified to become security, in this instance, were it not that I am only the usufructory, and not the real proprietor of the Estate, which belongs to my children; as to my usufruct itself, it is already encumbered in consequence of my accepting a political mandate.

Believe me, my dear Mr. Ryland, it would have afforded me good deal of pleasure to make myself agreeable to you in this instance, were it not the utter impossibility in which I am placed of doing so.

Ever truly, Yours,
(Signed,) A. KIERZKOWSKI.

G. H. RYLAND, Esq.,
Montreal.

(No. 1 from Mr. Hogan.)

(6)

MONDAY EVENING,
Montreal, 3rd November, 1862.

DEAR SIR,—I herewith enclose you the letter from the Honorable Mr. Sicotte, handed me, and regret very much to inform you that Mr. Workman is determined that my agreement with him must be carried out strictly; he, of course, added that I was free to act as I choose. I have already explained to you the aid I obtain from him, and as I am persuaded you would not have me forfeit his assistance, most reluctantly decline acting in the matter in question.

Trusting you will meet no difficulty in finding a substitute,

I remain, dear Sir,
Yours truly,
(Signed,) W. HOGAN.

G. H. RYLAND, Esquire,
Registrar.

(7)

SECRETARY'S OFFICE,
Quebec, 16th December, 1862.

SIR,—With reference to your offer of Messrs. H. H. Ross and de Montenach as your Sureties, contained in your letter of the 12th instant, I have the honor, by command of His Excellency the Governor General, to request that you will furnish this Department with a description of the immovable property of these two gentlemen.

As you have been without Sureties for a long time already, you are expected to transmit the above information before the end of this month.

I have also to request that you will state whether the Government is to understand that Mr. Doutre, who has been approved as one of your Sureties, is to join or not in the new bond to be entered into by you.

I have the honor to be, Sir,
Your obedient servant,

(Signed,) E. PARENT,
Asst. Secretary.

G. H. RYLAND, Esquire,
Registrar, Montreal.

(8.)

REGISTRY OFFICE,

Montreal, 14th December, 1862.

SIR,—In compliance with His Excellency the Governor General's commands, conveyed in your letter of the 16th instant, I have to inform you that Captain de Montenach is the proprietor of the Isle aux Cerfs on the River Richelieu, the mansion thereon, and the extensive mills on the main shore.

As I have not heard from Mr. Primrose, I can give no description of his property, but I have reason to think that with the exception of a small property near Quebec, his estate is situated in England.

As regards Mr. Doutre, he has authorized me to say that he will be ready at any time to join Captain de Montenach and myself in the necessary recognizances, but I trust the Government will see the propriety, on the meeting of Parliament, of reducing the amount of securities to which the Registrars generally are liable.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed,)

G. H. RYLAND.

E. Parent, Esquire,

Assistant Provincial Secretary,
&c., &c., &c.

(9.)

SECRETARY'S OFFICE,

Quebec, 7th Jan., 1863.

SIR,—I have the honor, by command of His Excellency the Governor General to request that you will furnish this Department with more precise information as regards the property of Messrs. de Montenach and Doutre, the value thereof and the hypothecary charges thereon. The surest means of attaining the object desired would be for you to transmit a certified statement or extract from the valuation rolls of the Municipalities where that property is respectively situated, with certificates from the Registrars as to the hypothecary charges on that property.

You are desired to comply with the above requirement within a week from the receipt of the present letter.

I have, &c.,

(Signed,)

E. PARENT,

Assist. Sec'y.

G. H. Ryland, Esq.,

Registrar, Montreal.

(10.)

REGISTRY OFFICE,

Montreal, 10th January, 1863.

SIR,—I have to acknowledge the receipt of your official communication of the 7th instant relative to the value of Captain de Montenach's and Mr. Doutre's real estate, and in reply have to inform you that I immediately complied with the requisition therein contained, by sending to the Registrar of Sherbrooke the Municipality in which Captain de Montenach's property is situated, for the information you require, which will be forwarded to you as soon as I receive it. I shall endeavor to obtain similar information relative to Mr. Doutre's estate, but I trust His Excellency will permit me respectfully to observe that this gentleman has already been officially accepted as one of my securities by the Attorney General East, Mr. Sicotte, and considering the recognized difficulty in procuring security to such enormous amount as is required of me, the difficulty would be increased to an impracticable extent, if, after a formal approval, the matter is to be re-opened, and further difficulties raised to the acceptance of the party in question.

I have &c.,

(Signed,)

G. H. RYLAND.

E. PARENT, Esq.,

Assist. Prov. Sec., Quebec.

(11.)

REGISTRY OFFICE,

Montreal, 14th Jan., 1863.

SIR,—I herewith enclose two memoranda which I have just received, relative to the assessed value of Capt. de Montenach's property, which is clear of all encumbrances.

The value of his personal estate I have not the means of ascertaining, but I understand that he is heir to the whole of his mother's property, which is considerable.

The assessed value of Mr. Doutre's property in Montreal is as follows:

St. Constant Street,	\$2,400
German Street,	\$3,000
Juror Street,	\$1,000

He owns besides four houses in St. George Hypolite Street, village of St. Jean Baptiste; two houses in St. Dominique street, in the same village; a lot and house in St. Nicholas Tolentin street, Montreal; a lot in St. Lawrence Street; one-third of the succession of the late Pierre Doutre, and hypothecs registered in the Registry Office, Montreal, to the amount of \$4,240.

I have, &c.,

E. PARENT, Esq.,
Asst. Prov. Secretary,
&c., &c.

(Signed,)

G. H. RYLAND:

RYLAND.

(12.)

Je soussigné, secrétaire-trésorier de la municipalité de la paroisse de St. Charles, dans le comté de St. Hyacinthe, certifie à tous qu'il appartiendra, que l'Isle aux Cerfs, appartenant à Charles Théodore de Montenach, écrivain, et située dans la dite municipalité de St. Charles, est évaluée dans le rôle d'évaluation pour la dite paroisse de St. Charles, à la somme de mille quatre cents piastres.

St. CHARLES, ce 13 janvier, 1863.

(Signé,)

J. E. LEBLANC,

Sec.-Trés.

Dans le cadastre de la Seigneurie de Belœil, fait par H. Judah, commissaire sous l'Acte Seigneural, le 7 février 1860, il est établi,

Art. No. 4, Valeur du moulin banal,	\$4,000
Do 5, do domaine seigneurial,	\$1,200

PARENT,
Assist. Sec'y.

(13.)

SECRETARY'S OFFICE,

Quebec, 11th March, 1863.

SIR,—With reference to your letter of the 10th January last, I have it in command from His Excellency the Governor General to remark that a certificate from the Registrar of Richelieu as to the hypothecs against Mr. DeMontenach's property, is not furnished to you, although you state it to be free from all incumbrances.

I am, therefore, further commanded to request that you will transmit such a certificate to this Department without delay.

I have the honor, &c.,

(Signed,)

J. O. BUREAU,

Secretary.

G. H. RYLAND, Esq., Montreal.

REGISTRY OFFICE,

Montreal, 12th March, 1863.

SIR,—I have the honor to enclose the certificate required in your official letter of yesterday's date, which I was under the impression I had sent you long ago.

I have, &c., &c.,

(Signed,)

G. H. RYLAND.

Hon. J. O. BUREAU,
Sec., Quebec.

RYLAND.

(15.)

REGISTRY OFFICE OF THE COUNTY OF RICHELIEU.

I, the undersigned, Deputy Registrar of the County of Richelieu, do hereby certify that, having made a search of all the hypothecary documents and privileges enregistered in this Office against Charles Theodore DeMontenach, and which by the books therein do not appear to have been wholly discharged, I have found none.

All which I do hereby certify to all whom it may concern.

Witness my hand, at the Town of Sorel, in the said Office, this 20th day of the month of January, one thousand eight hundred and sixty-three.

(Signed,)

JULES CHEVALLIER,
D. R.

(16.)

SECRETARY'S OFFICE,

Quebec, 20th March, 1863.

SIR,—I have the honor to inform you that His Excellency the Governor General has been pleased to accept Joseph Doutre and Charles DeMontenach, Esquires, as your sureties as Registrar of the Registration Division of Montreal, on condition of their justifying before a Judge, and notifying the Crown of the day on which the surety bond is proposed to be given.

I have, &c., &c.
(Signed,) J. O. BUREAU,
Secretary.

G. H. RYLAND, Esq.,
Registrar, Montreal.

(17.)

REGISTRY OFFICE,

Montreal, 3rd April.

SIR,—On the receipt of your official communication of the 20th ultimo, I notified Messrs. Doutre and de Montenach that they had been accepted by His Excellency the Governor General as my securities, and the instant the latter comes into town, they will proceed to justify before a Judge and complete the Surety Bonds, which are already drawn up as required by law.

I have, &c., &c.,
(Signed,) G. H. RYLAND.

The Honorable J. O. Bureau,
Provincial Secretary.

(18.)

REGISTRY OFFICE,

Montreal, 8th May, 1863.

SIR,—Having, in compliance with the requirements of the law and His Excellency's instructions, entered into the necessary recognisance as Registrar of the Registration Division of Montreal, I herewith enclose a duplicate copy of the Bonds.

I have, &c., &c.,
(Signed,) G. H. RYLAND.

E. PARENT, Esq.,
Asst. Prov. Secretary,
Quebec.

(19.)

MONTREAL, 20 août 1863.

MONSIEUR,—J'ai l'honneur d'informer Son Excellence le gouverneur-général et les membres du Conseil Exécutif, que pour des causes qui me sont personnelles, je désire que le cautionnement que j'ai donné conjointement avec M. le Capt. de Montenach en faveur de Sa Majesté pour George H. Ryland, écuyer, régistrateur pour le comté de Montréal, soit considéré comme retiré et annulé de ce jour.

En justice pour M. Ryland je dois dire que cette démarche de ma part n'est causée par aucune crainte que ce cautionnement ne devienne onéreux, par la conduite de M. Ryland dans l'administration du bureau d'enregistrement, mais que le besoin seul de libérer mes biens de cet engagement éventuel me porte à l'adopter.

J'ai l'honneur, &c., &c.,
(Signé)

JOSEPH DOUTRE.

L'honorable Ferguson Blair,
Secrétaire provincial,
Québec.

(20.)

SECRETARY'S OFFICE,
Quebec, 21st August, 1863.

SIR,—I have the honor to inform you that, by letter received this day, Mr. Joseph Doutre withdraws his security in your favor as registrar for Montreal, and that it becomes necessary that you should submit the name of another gentleman as one of your sureties.

I have the honor to be, &c., &c.,

(Signed)

J. FERGUSON BLAIR,

Secretary.

G. H. RYLAND, Esq.,
Registrar, Montreal.

(N.)

(1.)

CROWN LAW DEPARTMENT,
Ottawa, 19th December, 1865.

SIR,—I am directed by the Hon. the Attorney General for Lower Canada to draw your attention to the article in the *Evening Telegraph*, herewith transmitted to you, relative to the Registry Office of which you are Registrar, with the view of your making such remarks thereon as you may think proper.

I have the honor to be, Sir,

Your most obedient servant,

GEO. FUTVOYE,
Clerk of Crown Law Department.

G. H. RYLAND, Esq.,
Registrar, Montreal.

(2.)

Extract from the "*Evening Telegraph*" of December 15, 1865.

THE MONTREAL REGISTRY OFFICE.

If we had a Government which at all respected the right of the public to be served by public servants, we should certainly long ago have had a reform in the Registry Office of Montreal. Year after year every one who has had anything to do with that Office has had to complain of the most inconvenient delays, which are of grave moment when the largeness of the interests at stake are considered. We now see that a gentleman named

Thibault writes to me with contemporary that during eight days he went ten times to the Registry Office for some deeds relating to a Sheriff's sale, which it was of great consequence that he should have, and was every time promised the deeds immediately, till at last he found that important public functionary, the Deputy Registrar, amusing himself with a lively conversation with some friends, and, on asking for his papers, was rudely pushed out of the door, which was then closed in his face. Another case, showing the carelessness of the interests of the public manifested in the office, though without any of the accompanying aggravations of which Mr. Thibault complains, came to our notice a few days ago. It was necessary to obtain a certificate of the registration of a certain document which was to be sent to England, in order to make a claim for a sum due on a Life Policy, and the person who went to the Office on the business was informed that he could not possibly have the work done in less than six weeks. Whether he will get the paper at the end of six weeks has yet to be seen; but here was the case of a widow, having all the pressing need for money which usually accompanies the loss of the head of a family, and she must have the receipt of the provision which had been made for her postponed for six weeks, because a well-paid public officer chooses to do his work in so slovenly a manner as to be always in arrear. There were some special circumstances, which need not be mentioned, besides the desire which every one has to receive a considerable amount of due money, which made it important that the business should be transacted without delay, in order to avoid the possibility of a very long postponement. But all that did not affect the mind of the Montreal Registrar. A family might, for all he cared, be involved in a law suit or have their property sold by the Sheriff for want of a sum of money, the payment of which was delayed solely by want of business-like habits on the part of the Registrar. If such delays were necessary that would be another matter, but it takes no longer to register a deed now than six weeks hence; nor is there any reason why the work of each day, as a general rule, should not be done on the day. Any occasional pressure of business beyond the average could not cause delay beyond a day or two at most; and we hold that the Government ought to insist upon it that the Registrar should bring his work up to, or nearly up to the last moment, so that if a deed is left for any purpose at the Office, the party who deposits it may have some hope of getting it back while the thing is fresh in his mind, and not only after months of delay, by which time he perhaps has forgotten the whole matter, and may find, too late, some blunder or omission in the forms, which would never have taken place had the work been completed while the affair was fresh. Banks and many other establishments bring up their books daily. Why should public officers be the only ones from whom the transaction of business in a business-like way is not expected.

(Herald, of Dec. 14th, 1865.)

Letters from Mr. Thibault, referred to in the foregoing article.

(3.)

MOLITÈRE DE M. RYLAND.

M. LE RÉDACTEUR.—Il y a, depuis longtemps d'intolérables abus dans le Bureau d'Enregistrement de cette ville. Des cultivateurs, de braves et honnêtes cultivateurs, venant de la campagne, ont été maltraités par certains employés de ce bureau et particulièrement par M. Ryland, fils.

J'ai entendu plusieurs plaintes faites contre ce bureau et à ces griefs, permettez-moi d'ajouter celui-ci, qui m'est personnel. J'aurais pu traduire M. Ryland devant un tribunal correctionnel, mais j'ai préféré mettre les choses sous les yeux du public, afin qu'il en juge.

Depuis huit jours, j'étais allé une dizaine de fois au bureau d'enregistrement dans le but d'obtenir un certificat dans une vente de terre, par décret, d'une grande importance et dont chaque heure de retard pouvait causer de graves dommages aux parties intéressées. M. Ryland, ou ses subalternes, me promettaient de jour en jour, d'heure en heure, le certificat en question. Hier, sur les onze heures, a.m., j'y retournais encore; j'y trouvais M. Ryland, fils, en compagnie de trois ou quatre amis.

Je demandai poliment mon certificat à M. Ryland, il vint à moi fâché, me repoussa brutalement, et ferma la porte. Est-ce là la politesse, la justice et l'impartialité de l'homme public? Placé dans un bureau public, M. Ryland doit mettre son arrogance et son orgueil

à la porte, s'il ne veut y aller lui-même, et qu'il se rappelle qu'il est le serviteur de tous et qu'il est payé pour l'être.

J'ai l'honneur d'être, etc.,

C. THIBAUT.

Montréal, 6 décembre, 1865.

(*Minerve* 9 décembre, 1865.)

(4.) POLITESSE DU DÉPUTÉ RÉGISTRATEUR RYLAND, UNE RÉCLAME, ETC.

MONSIEUR LE RÉDACTEUR, — Je n'ai pas l'habitude de décorer personne, je n'ai pas pour règle non plus de me tenir devant l'injustice et la malhonnêteté de qui que ce soit. Je respecte tout le monde à condition qu'on se respecte d'abord et qu'on ne m'insulte pas sans raison.

Il existe, depuis longtemps, des abus criants dans le Bureau d'Enregistrement de cette ville. Déjà plusieurs fois, de braves et honnêtes cultivateurs, venant de la campagne, y ont été odieusement traités par certains employés et particulièrement par M. Ryland, fils.

J'avais entendu plusieurs plaintes faites contre ce gros *despote* paresseux, qui, au lieu d'exécuter les ouvrages qu'on requiert de lui, chasse les gens du bureau en leur disant des sottises et des grossièretés impardonnables à un homme d'honneur.

Pour les sottises, elles sont naturelles à certaines gens, et je n'en suis nullement surpris de la part de M. Ryland. Mais ce que je ne puis concevoir, c'est qu'on se moque des gens, qu'on les maltraite et qu'on les trompe en leur promettant leurs pièces sans les leur donner au temps dit, sans que les autorités n'y portent un prompt et efficace remède ! J'espère qu'on y fera attention. Je fais ici une réclame en faveur de M. Ryland afin de lui prouver que je ne lui veux que du bien. Je demande au gouvernement de vouloir bien lui accorder un salaire *extra* afin de le mettre à même de retourner à l'école ou de payer des maîtres de politesse ; qualité essentielle à tout le monde, même à un gros *astapha* comme lui.

Depuis huit jours j'étais allé une dizaine de fois au bureau d'enregistrement dans le but d'obtenir un certificat dans une vente de terre par décret, d'une grande importance et dont chaque heure de retard pouvait causer de graves dommages aux parties intéressées. M. Ryland, ou ses subalternes, me promettaient de jour en jour, d'heure en heure, le certificat en question. Hier, sur les onze heures a.m., j'y retournai encore ; j'y trouvai M. Ryland en compagnie de trois ou quatre amis ; à la manière avec laquelle il me reçut je serais tenté de croire qu'ils étaient en goguette. Je lui demandai poliment mon certificat, M. Ryland vint à moi fâché, me repoussa brutalement et ferma la porte. Est-ce là la politesse, la justice et l'impartialité de l'homme public ?

Que M. Ryland le sache, je ne permettrai jamais qu'on m'insulte impunément dans l'accomplissement de mes devoirs. Placé dans un bureau public, M. Ryland doit mettre son arrogance et son orgueil à la porte, s'il ne veut pas y aller lui-même, et qu'il se rappelle qu'il est le serviteur de tous et qu'il est payé pour l'être et grassement payé.

J'ai l'honneur d'être, etc.

C. THIBAUT.

Montréal, 6 décembre, 1865.

(*L'Ordre*, lundi, 11 décembre, 1865.)

(Translation.)

POLITENESS OF MR. RYLAND.

MR. EDITOR, — For a long time past intolerable abuses exist in the Registry Office of this city. Several times already, respectable farmers, coming from the country, have been roughly treated by certain employees in that office, and particularly by Mr. Ryland, junr.

I have heard of several complaints made against that officer, and to those grievances allow me to add the following, which concerns me personally. I might have brought Mr.

Ryland before a legal tribunal, but I have preferred placing the matter before the eyes of the public, to whose judgment I submit it.

During the last week I have been half a score of times to the Registry Office, to obtain a certificate relative to land sold by Order of Justice, of great importance, and every hour in the obtaining of which might cause serious damages to the parties interested. Mr. Ryland or his subordinates, promised me from day to day, and from hour to hour, the certificate in question; yesterday, about eleven o'clock in the forenoon,* I went there again, found Mr. Ryland, junr., in company with three or four friends.

I politely asked Mr. Ryland for my certificate. He approached me angrily, pushed me out by force, and shut the door. Is this the politeness, the justice, and the impartiality of a public officer? Holding a public office, Mr. Ryland should lay aside his arrogance and his pride, if he does not wish to be laid aside himself, and he should bear in mind that he is the paid servant of the community at large.

I have the honor to be, &c.,

C. THIBAUT.

Montreal, 6th Dec., 1865.

(*Minerve*, 9th Dec., 1865.)

(Translation.)

POLITENESS OF THE DEPUTY REGISTRAR RYLAND.

MR. EDITOR,—I am not in the habit of running down any body, but I am not inclined to remain silent in face of the following case of injustice and improper behaviour. I respect every body so long as I am not, *without cause*, insulted.

Crying abuses have long existed in the Registry Office of this City. Already respectable farmers coming from the Country have been several times there shamefully treated by certain employees, and more particularly by Mr. Ryland, Jr.

I had heard several complaints made against that great, lazy *despot*, who instead of attending to his work, drives people from the Office by coarse insults, unpardonable in a man of honor.

Coarse behaviour is natural to some people, and I am not at all surprised at such on the part of Mr. Ryland; but what I cannot understand, is that people should be there laughed at, ill-treated and deceived, without the authorities applying a ready and efficacious remedy. I hope attention will be given to the matter.

I have a claim to put in in favor of Mr. Ryland, to show him that I only wish him good. I ask the Government to grant him an *extra* salary, to enable him to return to school, or to take lessons on politeness; a quality required by every body, even by a great *mustapha* like him.

During the last week I went half a score of times to the Registry Office to obtain a certificate relative to land sold by Order of Justice, of great importance, and every hour in the obtaining of which might cause serious damages to the parties interested. Mr. Ryland or his subordinates promised me from day to day and from hour to hour the certificate in question. Yesterday, about eleven o'clock in the forenoon,* I went there again; I found there Mr. Ryland, in company with three or four friends. From the manner in which he treated me, I was inclined to believe they were merry-making. I politely asked for my certificate. He approached me angrily, pushed me out by force, and shut the door. Is that the politeness, justice, and impartiality of a public officer?

Let Mr. Ryland know, that I shall never allow any one to insult me with impunity, when discharging my duty. Holding a public office, Mr. Ryland should lay aside his arrogance and pride, if he does not wish to be laid aside himself; and he should bear in mind that he is the paid servant of the community at large, and a well-paid one.

I have the honor to be, &c.,

C. THIBAUT.

Montreal, Dec. 6, 1865.

(*L'Ordre*, Dec. 11, 1865.)

* (See deposition of Charles Thibault, No. 54.)

(5)

WARWICK HOUSE, 24th December, 1865.

SIR,—The sudden and very alarming illness of my daughter compelling my attendance here, will, I trust, be considered a sufficient excuse for not having before acknowledged the receipt of your official communication of the 19th instant, enclosing a number of the *Evening Telegraph* containing a very false and malicious misstatement relative to the Registry Office of Montreal, under my charge, with a view of my making such remarks thereon as I think proper.

I really know not what observations I can make on a statement entirely void of truth, but I will as briefly as possible, submit the simple facts on which the article in question was concocted, that the Attorney General may come to his own conclusion on the subject.

A short time ago an illiterate and vulgar young man, a Clerk of a Lawyer named Chapeleau, called at my office, and in the name of his employer, asked for a certificate in regard to property which had been seized by him; he was so urgent that it should be prepared with the least possible delay and placed in the hands of the Sheriff, that we laid aside other pressing work, and the instant it was finished, sent it up to the Sheriff.

Some days after, this fellow again came to the office, and forcing his way into my private room, asked the Deputy Registrar, in very insulting language, whether he intended to keep his promise to Mr. Chapeleau, and on being told that the certificate had been for some days in the Sheriff's hands, he conducted himself in so impertinent a manner, that he was at once, and I think very properly, ordered out of the room.

* * * * *

There is no doubt that the public have a right to complain of the present very faulty system of Registration in Lower Canada. I have myself, several times, brought the subject under the notice of the Government, dwelling, as regards my own office, on the dilapidated state of the Indices, which render a general search a tedious and most laborious affair.

It is not the *Officer* then, but the *system* that is to blame.

As regards my official conduct I defy any court inquiry; I cannot, it is true, perform impossibilities, nor do I attempt them, but this I unhesitatingly avow, that no unprejudiced rational man, knowing the difficulties I have to contend with, having business to transact in my office, ever had just reason to complain of the Department under my charge.

I have the honor to be, Sir,

Your obedient servant,

G. H. RYLAND.

GEO. FUTVOYE, Esquire.

CROWN LAW DEPARTMENT, January 8th, 1866.

SIR,—I am directed by the Honorable the Attorney General for Lower Canada, to state that the explanations given by you in your letter addressed to me on the 24th ult., are quite satisfactory to him.

I have the honor to be, Sir,

Your most obedient servant,

GEO. FUTVOYE.

G. H. RYLAND, Esq.,

Registrar, Montreal.

(O.)

(1)

REGISTRY OFFICE, Montreal, 19th June, 1864.

SIR,—Towards the close of the last Session, I called the attention of the Government to the very dilapidated state of the Indices in the Registry Office for the County of Montreal, particularly those kept by my predecessor Mr. Dowling, which, when handed over to me, were literally in pieces.

You were then too much engaged to look into the subject, but promised that you would give your attention to it at some future time.

This you have since done, and having, during your inspection of the office, had ocular proof of the correctness of my statement in regard to the books, you will, I think, admit that some legislative enactment is absolutely necessary, in order to secure a *better working of the system*, and particularly to facilitate the process of making searches, one of the most important duties connected with Registration. At present it is not only an expensive and laborious affair, but attended with results altogether *unsatisfactory to the public*, who are unable to obtain the *prompt* and complete information which is at all times requisite, when property is about changing hands, or money to be loaned on landed security.

We are now compelled, in making an ordinary search, not only to wade through nine vols. of Indices, but as the entries in the Registers, during the time of Mr. Dowling, do not in many instances correspond with either the Minute books, or the books of the Index, to have recourse to the *procès verbal* of the Commissioners, and very often to read over the full length entries, a very tedious work, occupying sometimes several hands, and even then the search is far from conclusive.

The expense of searching is, under such circumstances, very great, for we cannot certify to a negative, and our certificate, consequently contains all entries for and against the party concerned.

Thus the Registrar is *abused* for not giving the precise information wanted, and the Government, as a matter of course, naturally come in for some share of the blame for not having taken steps to remedy the evil.

I must confess that I have often lamented that I was not consulted before the appointment of the Commission under the Act 12 Vic., cap. 131, for I conceive that, with the same expenditure, more satisfactory results might have been had. *Not that I blame the Commissioners* in any way, for I am convinced, they performed their duty to the best of their ability, but having no previous knowledge of the process of Registration, they proceeded to a certain degree in the dark.

Under the peculiar circumstances in which I was placed, I could not, for obvious reasons, interfere with their operations; nevertheless, I did not hesitate to press upon them what they subsequently fully admitted, viz., the necessity for a *total revision of the Indices*.

This has now become imperative; in fact the office cannot long be carried on without it. It will, no doubt, be attended with considerable expense, which the Province will have to defray. I would therefore, suggest that, instead of revising the Indices in their present cumbersome shape, there should be one general revised Index arranged, dictionary fashion, shewing at one glance every transaction entered into by the same individual, with sufficient space to contain any further entries for a number of years to come.

In order to reimburse the Province, any monies required for this work, I would further suggest that the tax now exacted on Registration, under 12 Vic. cap. 112, as an aid towards building the Court House, should be applied as a kind of sinking fund to this purpose, a much more popular application, you may rest assured, of the money than the present one. For men who grudge paying money towards the erection of a building they may never enter, will have no objection to the payment of an additional sum, which is to facilitate, or give increased security to their own pecuniary operations.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed.)

G. H. RYLAND.

The Honble. L. T. DRUMMOND,
Attorney General, &c., &c., &c.

REGISTRY OFFICE,

Montreal, 28th October, 1854.

(2)

SIR,—Having several times, during the last eighteen months, directed Mr. Attorney General Drummond's attention to the dilapidated state of the Indices in the Montreal Registry Office, particularly those kept by my predecessor, which, besides being literally in pieces, do not correspond with the full length entries, and as every day adds to the

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evil, and augments the difficulty of making searches, I consider it my duty to bring the matter in a more formal shape before his Excellency the Governor General in Council, in the hope that some enactment, calculated to meet the pressing necessity of the case, may be decided upon before the close of the present session of Parliament.

The Attorney General East having visited this office and inspected the Records thereof, can form a pretty correct opinion of what is wanting.

Were the Indices less numerous than they are and without error, a mere copy would perhaps furnish all that would be required, but, as I have before said, the correctness of Mr. Dowling's books is not to be depended on.

I have therefore proposed an entirely new Index, arranged "dictionary-fashion," and giving at one view the exact state of every man's incumbrances as regards registered claims, which, under the present system, is in no way to be arrived at.

I am aware that the cost of such a work as I propose, would, in the first instance, far exceed that of a mere copy of the present Indices, but this would be more than made up by the increased convenience to the public; and moreover, I have suggested, that if the tax at present raised on Registration towards building a Court House, were hereafter to be applied towards the liquidation of the costs of the Revised Indices, this impost, instead of being, as now, obnoxious to all classes, would gladly be paid by parties, who, in doing so, would feel that the exaction was for the purpose of affording increased security to their own monied transactions.

Whilst on the subject of Registration, I trust I may be permitted most respectfully to express my regret that the Government should have allowed a Bill, such as that introduced by Mr. Prevost,* to pass through a second reading; without notice or opposition, particularly as it is known that Mr. Prevost, who has quarrelled with the Registrar of Terrebonne, had, in a spirit of hostility, threatened before the meeting of Parliament to bring in a bill to increase the labor and diminish the emoluments of Registrars generally.

It is to personal legislation of this kind, on the part of ignorant and malevolent individuals, that the people may attribute all the injudicious changes which have taken place in the Registry Ordinance, and prevented the public from deriving the benefit which was designed by a measure declared by the late Earl of Durham essential to the prosperity of the country, and the security of those who might be tempted to invest their money in Lower Canada.

Instead of putting the Statute into force as originally drawn up with great care by the then Chief Justice of the Province, the late Sir James Stewart, (a gentleman considered in his day equal in ability and legal attainments to Mr. Prevost,) when all secret incumbrances on property would at once have been brought to light; every man so disposed, on being elected a member of Parliament, no matter how ignorant or incompetent the individual, has been permitted to thrust upon the country, in the shape of what is called amendments, his absurd and crude notions in regard to registration, until at last the real intentions of the law, like the Will in Swift's "*Tale of a Tub*," has been entirely lost sight of.

As regards Mr. Prevost's amendment, which, I feel assured, escaped the notice of the Attorney General and other members of the Government, I need only remark that were it to become law, any designing individual having an ill-will towards a Registrar, might, at a cost of 12s. 6d., take possession of his books for a whole day to the exclusion of the rest of the public, and as the officer would have no control over his Indices, portions of the books might be expected gradually to disappear altogether, when, instead of being called upon to pass an Act for revising an Index, the law officers of the Crown might be required to adopt means for the recovery of the missing records of the office.

Trusting that I am not transgressing the bounds of official correspondence in hazardous remarks which are prompted by a sincere desire to facilitate the working of a law of which I am one of the administrators,

I have the honor to be, Sir,

Your most obedient humble servant,

The Hon. P. J. O. CHAUVEAU,
Provincial Secretary.

G. H. RYLAND.

* This Bill, No. 62 of 1864, was lost in the Legislative Council.

(Translation.)

QUEBEC, 10th November, 1854.

SIR,—After the conversation I have had the honor to have with you since I have been in Quebec, on the necessity of new Indexes for the Montreal Registry Office, and of the adoption of a *more practicable system* than that, now in force, I regret much that nothing is to be done.

I easily conceive that in the position you occupy, being troubled with applications of every kind, it is often impossible for you to give to all that share of attention which some may require. But, Sir, you know that this application is altogether of an exceptional character.

The Registrar, Mr. Ryland, feeling it impossible to convey to you verbally in sufficiently strong terms the necessity of the renewal of the Indexes of his office, begged you to inspect them personally (which you were kind enough to do) in order to ascertain the state of those books, and to see how much it was necessary to renew them.

You say that a Bill will be passed for this purpose, but that the expenses for carrying it out will be defrayed out of a fund to be created by the provisions of a general municipal law not yet passed. By allowing that office to continue in the present state of those Indexes, the very keys of an office of that kind, the consequences likely to result appear to be lost sight of.

If the sureties of Mr. Ryland knew the risks to which they are exposed when he gives certificates of search, I am sure they would immediately ask to be relieved from their responsibility.

These risks extend not only to the Registrar and his sureties, but the Public may suffer losses, the extent of which it is impossible to calculate.

I do not know whether it would not be prudent for Mr. Ryland to place before the Executive Council of this Province such declaratory document as might, in case of need, protect the Registrar, his sureties and the public from the consequences resulting from the causes which have led to this application.

I have the honor to be, Sir,

Your most obedient humble servant,

LEON DOUTRE,

Deputy Registrar.

The Hon. LEWIS T. DRUMMOND,

Attorney General for Lower Canada.

(4.)

QUEBEC, 10th May, 1855.

SIR,—Having several times, (without any result,) addressed your predecessor in office, relative to the dilapidated state of the Indices, handed over to me by the Commissioners, under the Act 12 Vic. cap. 121, I think it my duty again to press the subject on the notice of the Government, in the hope that something will be done during the present session to remedy the evil, and to secure a *better working of the system* by facilitating the process of making searches, one of the most important duties connected with registration.

At present this is not only a laborious and expensive affair, but unattended with results in any way satisfactory to the public who are unable to obtain the prompt and complete information so essential to parties who are about to invest their money on security of landed estate.

The Indices complained of are now literally in pieces, and some of the leaves so worn, that it is difficult to decipher them. But this is not all, they are in every way faulty, and do not correspond with the entries in the Minute Books, and full length entries.

Under ordinary circumstances, supposing the Indices to have originally been correct, and that their present dilapidated state was brought about by the usual fair wear and tear of official reference to them, it might perhaps have been a question whether the municipality of the County should not provide the means of renewing them.

But it must be borne in mind that the present state of these Books is owing in a great measure to the operations of the Commissioners appointed by Government. That in the discharge of the duties imposed on these gentlemen, they were obliged to have constant

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reference to the books, which consequently became worn out before their labors could have been said to cease, and one of their last acts before the close of the Commission was a representation to the Government, urging the necessity of a revision of the Indices.

Under these circumstances, I think his Excellency the Governor General in Council will see the propriety of an appropriation of public money for this purpose.

It is now upwards of two years ago since I first brought the subject under the notice of the Attorney-General East. He then, as you will perceive by the enclosed copy of a communication from him, acknowledged its importance, and having subsequently, by a personal inspection of the books in question, convinced himself of the pressing necessity of the case, he promised, if possible, to introduce some measure to remedy the evil.

As the present system of Indexing is very defective, I have proposed that instead of a mere transcript of the old books, a new and general Index, arranged dictionary-fashion, should be substituted, by which an insight at one glance would be given of the whole affairs of every individual having business in the Registry Office.

This would certainly be attended with some expense, but the convenience to the public would be very great, and by appropriating the tax now raised in the Registry Office towards building a Court House, for this purpose, the work would be completed without any ultimate charge on the general funds of the Province.

I have the honor to be, Sir,

Your most obt. humble servant,

G. H. RYLAND.

The Hon. G. E. CARTIER,
 Provincial Secretary, &c., &c.

(5)

ATTORNEY GENERAL'S OFFICE,
 Quebec, February 25th, 1853.

SIR,—I am directed by the Honorable the Attorney General for Lower Canada, to acknowledge the receipt of your letter of the 22nd instant, relative to the Commission under the 12th Vic., Cap. 121, and to inform you that it will be quite out of his power to give any attention to the matter during the present Session of Parliament. At the same time, he desires me to return you his best thanks for the information afforded by your letter; as he considers it a *matter of great importance*, it shall have his serious attention immediately after the Session.

I have the honor to be, Sir,

Your obedient servant,

E. A. GENEREUX,

Clerk.

G. H. RYLAND,
 Registrar, Montreal.

(6)

REGISTRY OFFICE,
 Montreal, 17th January, 1862.

SIR,—In forwarding the enclosed return, I would again call the attention of the Government to the very dilapidated state of the Indices, and Minute Books kept by my predecessor, rendering the operation of searching, expensive, difficult and unsatisfactory.

Understanding that the Attorney General East is about to bring in a Bill to amend the Registry Law, I avail myself of this opportunity to suggest one or two changes in the present system, which, if adopted, will greatly facilitate registration, guard against the possibility of errors in transcription, and affording at the same time, a considerable revenue to the Province, and much accommodation to the public.

In the first place, I would suggest that the present Indices be done away altogether, and a new Index substituted, compiled from the commencement of the Office, and arranged not only alphabetically, but dictionary fashion, so that, instead of being compelled to search through eleven or twelve volumes of Indices, as at present, the whole of every

man's affairs would be found together. There is no doubt that the first cost of such a work might be considerable, but the Government would have no difficulty in procuring some competent person to undertake it for a comparatively small sum, particularly if the Registrar undertook to supervise the work. Moreover, I would confine the alterations in the Indices, in the first instance, to the Counties of Montreal and Quebec; 2nd. I would suggest that all Notaries should, after a given fixed period, be compelled to prepare their Deeds on Stamped paper of uniform size to be supplied by the Government, as in the County of Middlesex in England.

That in all cases where registration is necessary, it shall be compulsory on every Notary to furnish the Registrar with duplicate copies, on both of which the Registrar shall at once affix a corresponding number, with a certificate of Registration on one copy to be returned to the party enregistering.

The other copy to remain in the office on record, and whenever a sufficient number of documents have been deposited to form a volume, the Registrar shall cause them to be bound together and authenticated, as at present, by the Prothonotary.

By this course all delay would be avoided, inasmuch as the party interested would, in the Registrar's certificate on the duplicate copy, have immediate proof that he had complied with the law.

As regards Judgments of Court, which are entered in a book by themselves, this course would be unnecessary; but in all other cases where the stamped paper could be used, I think the above suggestions might be beneficially carried out.

At any rate, I submit them for what they are worth.

I have the honor to be, Sir,

Your most obedient servant,

G. H. RYLAND,

The Hon. CHARLES ALLEYN,

Provincial Secretary, &c., &c.

(P)

IN THE SUPERIOR COURT, MONTREAL.

(No. 2590.)

GEORGE H. RYLAND,

Plaintiff.

vs.

JOHN OGILVY,

Defendant.

George H. Ryland, of the City of Montreal, Esquire, Registrar of the Registration Division of Montreal, Plaintiff, complains of John Ogilvy, of the same place, Esquire, Merchant, Defendant, and says:

That at all the times hereinafter mentioned the Plaintiff was and still is Registrar of the Registration Division of Montreal, an office of high trust, great profit and great responsibility deserving the confidence of the Public. That for a period of forty years and upwards the Plaintiff has been a public servant of the crown, and has filled offices of high trust and emolument in the Province of Canada.

That at Montreal, on or about the first of November, eighteen hundred and sixty-four, the Plaintiff and family entered into the use and occupation of a furnished dwelling house in St. Catherine Street, west, as tenant of Defendant: That Plaintiff occupied said house till on or about the first of May, eighteen hundred and sixty-five, when he left it as he had received it, and the furniture in it, in as good order and condition as he had received them: That immediately previous to Plaintiff's occupation of said house, one Payton had occupied the same also as tenant of Defendant: That afterwards Defendant pretended grievance against Plaintiff unjustly: The Defendant charging that Plaintiff had damaged the curtains and furniture in said house while occupying it and had refused to repair such damage, or to indemnify Defendant for it: That in truth and in fact Plaintiff was not

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liable for any of the pretended damages: damages may have been done, but if so, they were not done by Plaintiff, or his servants or family, or during their occupation.

That in December and January now last past, dwelling upon his pretended damage done to his furniture, and exaggerating his, Defendant's supposed grievances resulting from said imaginary damage, and in a spirit of vengeance and with threats against Plaintiff, for having, as Defendant said, so damaged said furniture, and with intent to injure and ruin the Plaintiff, the Defendant maliciously, at Montreal, went about in the streets, and in divers public places, and in conversations with divers persons to wit, on each day in said two months of December and January last, falsely, wickedly, and maliciously accused Plaintiff of having damaged his, Defendant's furniture in said house, to wit, while occupying it as aforesaid, and of having refused to indemnify him, the Defendant, for said damage, and the Defendant threatened then and there, in the presence and hearing of divers persons, to get Plaintiff "out of that office," to wit, meaning out of the Office of Registrar of the Registration Division of Montreal, the Defendant adding and saying, "I am serious, I'll ruin him," meaning the Plaintiff; "I'll put him out of that office," and on being remonstrated with by those to whom he so spoke of and concerning Plaintiff, the Defendant, on being told that he ought not reasonably, on such account or for such causes to speak and threaten Plaintiff so, added and repeated: "I am serious, I'll ruin him, I'll get him (meaning the Plaintiff), out of that office," meaning and intending thereby and threatening to ruin Plaintiff, and to work to get Plaintiff dismissed from said office of Registrar of said Registration Division of Montreal as aforesaid: That the Plaintiff derives his support for himself and his family from said office of Registrar of the Registration division of Montreal, which he so holds and enjoys.

That the Defendant, pretending to be moved by laudable motives, and to advocate reforms and the public good on public grounds merely, but being in reality actuated only by malice and private revenge and malignant intentions against Plaintiff, as aforesaid, and wickedly intending to carry out his threats against Plaintiff, and to injure the Plaintiff in his good name, fame and credit, and to lower him in public estimation as a public servant holding an important office, and to harass him as an individual, and to ruin him and to get him put out of his said office of Registrar, and to bring him and his said office into public scandal and disgrace, and to cause it to be suspected and believed that the said Plaintiff was habitually negligent in the discharge of the duties of said office, and lastly of neglect of duty in his said office of Registrar as aforesaid, at Montreal, on the twenty-fifth day of January last, wickedly, maliciously, wrongfully, and unjustly, and in furtherance of his said wicked design and intention to ruin the Plaintiff so after before stated and expressed as aforesaid, did write and publish, or cause and procure to be written and published in a certain newspaper called "*The Montreal Herald and Daily Commercial Gazette*," to wit: in January last, a certain letter or article of and concerning the Plaintiff's said Office, said letter signed "Merchant," dated Montreal, January 24th, 1866, in words as follows: "To the editor of the *Montreal Herald*. Montreal, January 24th, 1866. In your issue of 14th December appeared an article respecting our Montreal Registry Office. As for years past this office has been frequently before the public in print, and still more frequently the source of annoyance to all I ever heard speak of it, I have, since your article appeared been watching to see if the Government is to take any action to remedy the causes of these complaints. I only wonder how the public have so long put up with the existent state of affairs. It is preposterous to say there is no remedy; why, if the work has to be done, it might as well be done first as last, and if once up, should and could be kept so; but to go no further than this, did you ever know any instance of any office of business prospering or going on satisfactorily, when its head was absent nine-tenths of his time? In Boston, I observe by late papers that on the 22nd of January instant every deed of 1865 had been registered. A gentleman said to me the other day that he would much rather send his deeds to Bagdad or Jerusalem, than to the Montreal Registry Office, for he was sure that he would sooner have them returned, and with much less trouble. If the work is too much for one Registrar, let a joint one be appointed, as is the case in the Prothonotary's Office; but what I would first suggest is that Government should appoint a Commissioner and let it be composed of two merchants and two legal gentlemen, to look into the present working of the Office, giving them power to examine witnesses and report. I am a property owner here, and

"feel seriously the importance of reform, which I trust will be my excuse for thus trespassing on your valuable space.

"I am, &c.,

"MERCHANT."

And Plaintiff saith that by means of the speaking by Defendant, of the words and expressions aforesaid, and each of them, and of said threats used respecting the Plaintiff, and of the composing, writing and publishing by the Defendant of the said writing or letter as aforesaid concerning the Plaintiff, and his calling, and his said Office of Registrar, as aforesaid, and by the false charges made by Defendant against Plaintiff, of having damaged his Defendant's furniture; the Plaintiff has been greatly annoyed and harassed in mind (in fact Defendant meant that he should be), and Plaintiff hath further been injured in his name and credit, and has been disgraced, and it is suspected, and believed in consequence by many, that he, Plaintiff, has been guilty of injustice to Defendant, and of habitual neglect in his Plaintiff's said office of Registrar, and in the discharge of his duties as Registrar, and was unworthy of the confidence of the Government and of the public, and Plaintiff has in fact been called upon by the Government in consequence to furnish explanations: That Defendant meant by said letter falsely, libellously and maliciously to impute to Plaintiff inability and unfitness for said Office of Registrar, and does so.

That in consequence of said publications Plaintiff was called upon to explain things to the Government, and an enquiry was made: true that Plaintiff explained all to the satisfaction of the Government: nevertheless he was greatly distressed in mind, and was exposed to loss and damage. That by said slanders and libel, and false accusation, and each of them, and by the speaking and publishing of them, and each of them, and by said false accusations and each of them, and by the printing, publishing, and circulating them and each of them, Plaintiff has been injured and damaged in his character as a public officer, and in his calling, and in his Office of Registrar, and has been lowered in the estimation of the public, and has been exposed to loss of office and preferment, and has been made uneasy in his mind, and has been hurt in his feelings, and been damaged, to wit: To the extent of Five Thousand Pounds in respect of each of said slanders and libel, and of each of the acts and doings of the Defendant hereinbefore complained of, which several damages the Defendant is liable to pay Plaintiff, yet although he has often promised to pay Plaintiff all said sums of damages they remain unpaid.

Wherefore Plaintiff prays that all this be enquired of by the country, and further prays that the Defendant be condemned to pay Plaintiff the sum of Five Thousand Pounds Currency, damages and costs and that in default of the Defendant paying said damages he be constrained thereto by *condemné par corps après les quatre mois.*

(SIGNED.)

MACKAY & AUSTIN,

Plaintiff's Attorney

(True Copy.)

HUBERT, PAPINEAU & HONEY, P. C. S.
Montreal, 1st February, 1866.

PROVINCE OF CANADA,
DISTRICT OF MONTREAL,

SUPERIOR COURT.

(No. 2590.)

GEORGE H. RYLAND,

Plaintiff.

vs.

JOHN OGILVY,

Defendant.

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may be hereinafter expressly admitted, for plea to the action and declaration of the plaintiff, saith:

That true it is that the Plaintiff on and from the first of November, eighteen hundred and sixty-four, to about the first of May, eighteen hundred and sixty-five, as tenant of the Defendant, occupied a furnished dwelling house in St. Catherine Street, west, in the said City of Montreal, in which was contained valuable furniture, curtains, carpets and other appurtenances; but it is not true that the Plaintiff left it as he had received it, nor the furniture in it in as good order and condition as when he received, or entered into said house; but, on the contrary the furniture, curtains, carpets and appurtenances which the Plaintiff had so received in said house, were, and had been by himself, his family, and servants at the time he left the said house greatly injured, damaged and deteriorated, as was in fact, admitted by the Plaintiff himself.

That true also it is that although thereto often requested, the Plaintiff has neglected to pay for said injury, damage and deterioration, and has never yet made any reparation or given any compensation whatever for the same.

That true also it is that the Defendant when necessarily required so to do, after said damage and injuries, had been sustained, may have stated the fact of such damage having been sustained, and the neglect of the Plaintiff to give compensation for the same but not otherwise, nor in any respect as alleged in Plaintiff's declaration of or concerning the same; nor did he the Defendant, either in the public streets, or anywhere else, at any time during said months of December and January last, in any manner threaten the Plaintiff, or say of him, or make use of the expressions or any of them concerning him the Plaintiff, which he the Defendant in and by said declaration is alleged to have done; and the allegations of said declaration in this respect are wholly false and unfounded.

And he, the Defendant, further saith, that true it is, that he did write and publish the letter mentioned in the Plaintiff's declaration, but he did so, solely, in the public interest, as a member of the community and a property holder, and to represent a state of things, which was notorious, and was not only, publicly and generally admitted to be true, but, being well-founded and true, was very frequently and very generally complained of, by others, to an extent even exceeding the complaints, so, in said letter, made by the Defendant, which general complaints existed long before the writing of said letter, and continue down to the present time.

That the Defendant in what he so did, has been actuated by no malicious, unfriendly, or improper motive, against the Plaintiff, but, solely, in the public interest, and to acquit himself of his duty to the public, and as a citizen, as he had a right to do.

And the Defendant saith that the Plaintiff has instituted the present action, to harass him, the Defendant, and to deter him from being of any service to the public, and from seeking to recover from the Plaintiff, the value, or amount of the damage and injury, so done to said furniture and effects, by the Plaintiff, and to cause the Defendant wholly to lose, and abandon the indemnity justly due to him for said damages, so that he the Plaintiff may unjustly and improperly escape from his liability in the premises.

And the Defendant, moreover, saith, that, save in so far and in manner and form only as the allegations of the Plaintiff's declaration expressly conform to the allegations of this plea, each, all and every of the allegations of the Plaintiff's declaration are untrue, and are hereby, specially and expressly denied.

All which he, the Defendant, is ready to prove and verify, when and where, &c.
And of all this he puts himself upon his country.

Wherefore, the Defendant prays judgment and that the Plaintiff's said action and demande be hence dismissed, with costs, ~~distraint~~ to the undersigned.

(Signed,)

GEORGE MACRAE,

Att'y. for Defendant.

Montreal, 26th October, 1866.

Plaintiff.

And the said Defendant, without waiver of his foregoing Plea, but, on the contrary, expressly reserving to himself all the benefit and advantage thereof, for further plea to the Plaintiff's said action and demande, saith that each, all, and every the allegations, matters and things, in the Plaintiff's declaration contained, are false and unfounded in fact,

and are, hereby, each and all specially and expressly denied; and that he, the Defendant, is not guilty in manner and form, as set forth in the said declaration.

And of all this he puts himself upon his country.

Wherefore the Defendant prays judgment, and that the Plaintiff's said action and *demande* may be hence dismissed with costs, *distracts* to the undersigned.

(Signed,)

GEORGE MACRAE,
Atty. for Defendant.

Received copy.

(Signed,)

MACKAY & AUSTIN,
Atty's. for Plaintiff.

A true copy.

HUBERT, PAPINEAU & HONEY,
P. S. C.

Montreal, 26th October, 1866.

(1.)

CROWN LAW DEPARTMENT,
Ottawa, Dec. 3rd, 1866.

SIR,—I am anxious to obtain some information relative to the system of registration of deeds in the United States, and more particularly to the proceedings and the manner of carrying them out in the City of Boston.

Will you be good enough to direct me to the Statutes which regulate the Registry Office in the City of Boston, and to inform me by what process parties depositing deeds to be enregistered there, can have them returned, as I am told, within two or three days; and in a case of emergency, in less time.

I have the honor to be,

Sir,

Your most obedient servant,

GEO. FUTVOYE,

Inspector of Registry Offices for Lower Canada.

The Register of Deeds
for the City of Boston, Mass.

(2.)

SUFFOLK REGISTRY OF DEEDS,
Boston, December 7, 1866.

DEAR SIR,—I received your's of the 3rd instant yesterday, and shall be pleased, if I can give you any information asked for that will be of service to you; but am fearful that I cannot so fully exhibit on paper what I could to you in person.

You will find in the General Statutes of Massachusetts, page 154, a form of Entry Book, in which all Instruments are entered in the order received, the day, hour and minute of entry, every Grantor and every Grantee; also a form for the Indices, Grantor and Grantee. You will also find in the Index to the General Statutes, the duties of the Register fully laid down.

The system of recording Deeds in this office is perhaps different from that of any other in some respects.

In the first place, we have the paper ruled and stitched into folds of four sheets each, containing 16 pages, and the folds are distributed among the clerks, say one, two or three at a time, and deeds sufficient to fill the number of folds given out.

The deeds when given to the copyist are checked upon the entry book, (where every deed is numbered, and the same number is put on the back of the deed) with the initials of the clerk, in the margin of said entry book, and when said deeds are recorded, they are returned to the clerk who has them in charge; by this means, we can have a dozen clerks recording in one book, at the same time; each of our volumes contains forty folds, or six

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hundred and forty pages. We number but one side of the leaf, for instance the first two pages constitute the first folio of the book, the second two pages the second folio and so on. One clerk has the duty of receiving the deeds when entered for record, and puts the day, hour, and minute of entry on the back, he then enters them in the entry book. Deeds thus given out, when recorded, are returned to him and compared with the list which he gave out with the deeds, to see that they are returned correctly; another clerk enters from the entry book, upon the respective Grantor and Grantee in order, all deeds in their respective places, and he also pages on the Index from the Records. After the deeds have been recorded, they are all carefully given out—a record of the numbers kept by the first clerk, and compared by two competent persons, and again returned to him, whose duty it is to see all again returned, and that they are correct and agree with the list which was retained by him; he then prepares them for me to certify; after certifying, they are again placed in the hands of the second clerk, to see that the certificate is correct, and that the certificate corresponds with the reception of the deed at close of the Record, and then they are returned to the Register, who takes them singly, and signs the Record and Deed. The Instruments are then assorted, all that require references from previous conveyances, such as transfers of mortgages, releases of same, evidences of possession, releases of dower and homestead, deeds of confirmation, or any other instrument to correct any previous conveyance are selected, and the necessary reference made in margin of former record to such new record.

Then the Instruments are put up in their respective places, under the name of the Grantor, or first Grantee named when more than one, and are ready for delivery. This constitutes the principal feature in the system, and I think you would, after a personal inspection, fully comprehend it, if I have not been sufficiently explicit.

The idea that the deeds were ready in two or three days, probably arose from the fact that on every first day of January all deeds are advertised to be ready on and after the third day of January, but I usually take a fortnight to record them, that the party may not be obliged to call a second time, if they will wait the stated time, and that I consider a sufficient time to record all that can be presented for record. I often accommodate the Grantee by recording the deed out of its regular course, if it is an urgent case.

Should you wish more light, I shall be pleased to see you in person, when I think I can show you a great deal more than I have written, and which may be of advantage.

Yours respectfully,

JAMES RICE,
Register.

GEORGE FUTVOYE, Esq.,
Barrister, &c., Ottawa.

(R.)

EXTRACT from Report of proceedings of the Annual Meeting of Montreal Board of Trade, held on April 2nd, 1866, as reported in the Montreal newspapers of April 3rd, 1866.

Mr. HENRY LYMAN said he wished to make a few remarks on one point in the Report, and he thought they should not separate without taking the matter into consideration. A petition had lately been got up by the Council, and awaited the sanction of the Board, relative to the state of the Registry Office.

It was a subject of importance to the whole community, and he thought it appeared strange that the Board had been called on to interfere; but there was no other organized body.

It seemed proper that the Board, the members of which were interested in the transfer of real estate, should take cognizance of the matter. It had done so on the representations of professional and mercantile men. He would state a FACT which had come under his own notice, and doubtless many could corroborate it. An obligation came to his hand for a sum of money, and it bore the endorsement of the Registrar's Office.

The party had effected a loan in a Building Society, and the property in question was said to be unincumbered; but he (Mr. Lyman) informed the Society that he held a

prior mortgage * He would mention another case, where the party said there was only one mortgage, but the gentleman, to make sure, made the requisite enquiries, and got a return that there was no mortgage on that property. The office must be in a queer state when such facts could be told. No one was sure his papers were registered, or that his papers were not neglected for others. The moment there was a doubt instituted, there could be no confidence in the office, and no one could know the value of their securities. It was a matter of great moment, which should not be allowed to sleep, and proper representations should be made to Government. *Some years ago* there was an investigation by a legal gentleman, who reported he found the office in a loose state. He was told in one office a person had seen 140 documents, reaching as far back as June, awaiting registration, in which there was evidently great delay.

(R 2.)

Letter of Henry Lyman, Esquire, published in the Montreal Herald of April 10th, 1866.

SIR,—Since the late annual meeting of the Board of Trade, I have learned that I had been misled with reference to the supposed non-enregistration of a mortgage, which, I said, was in my hands.

The clerk to whom I applied, and who informed me that there was no mortgage, looked for my individual name instead of that of the estate for which I act as Attorney,—the latter as mortgage, being found in due form.

Under the circumstances, I think it due to fairness and candour, to make the correction as to the contrary statement; at the same time, I am persuaded that if a time of the errors which are made against this Office, shall prove to be well founded, it were well that the system which obtains, as well as its administration, should be made the subject of a searching investigation, with the view to the application of such remedy as the case shall demand. There is nothing more vital in this Department than that the inheritance of our children shall be made as secure as good laws, and faithful administration, can make it.

I have it from Messrs. Plunket & Brady, who are preparing the plan of the city for the Corporation, that it would be quite easy to figure every man's property upon the city plan, and to designate each, by a fixed number, so that all conveyances and mortgages by means of tracing copies affixed to them, could be made to identify the properties to which they apply with great accuracy, and without the prolix and often inaccurate verbal descriptions which now obtain.

There will, doubtless, be serious difficulties encountered in the realization of any fair system of property enregistration, but the object is one of such great value, that I think it should not be lost sight of in any attempt which may be made to improve upon the present system.

I am, Sir, &c.,
Yours,

HENRY LYMAN.

(S.)

REGISTRY OFFICE,

Montreal, December 29th, 1866.

SIR,—In the case No. 1,131, A. W. Ogilvie & Co. vs. Magloire Lefebvre, a certain property was, during the past year, sold to Messrs. Ogilvie & Co., who have complained of the delay in getting from the Registry Office the deed of sale deposited there for registration. Will you be good enough to furnish me answers to the following enquiries:—

* See Mr. Lyman's letter contradicting the above. (R. 2.)

† See deposition No. 20.

- 1st. When was the property in question seized?
- 2nd. When was it sold?
- 3rd. To whom was it sold?
- 4th. When was application made to the Registrar for his certificate?
- 5th. When was the Deed of Sale executed?
- 6th. When was that Deed of Sale deposited for registration?
- 7th. Has such Deed of Sale been yet withheld from the Registrar's Office?

I have the honor to be, Sir,
Your most obedient servant.

GEO. FUTVOYE,
Commissioner.

To the Sheriff, Montreal.

(2)

SHERIFF'S OFFICE,
December 31st, 1866.

SIR,—In reply to your enquiries of the 29th instant, in the case of A. W. Ogilvie vs. Lefebvre, just received, I beg to answer as follows:—

- 1st. The property was seized the 8th September, 1865.
- 2nd. It was sold 18th January, 1866.
- 3rd. Adjudged to Plaintiff for \$50,—paid following day.
- 4th. The notice was served on the Registrar on the 25th January, 1866, certificate furnished by him on 14th December, 1866; sale returned 17th December \$9.55.
- 5th. Deed executed 9th November, 1866.
- 6th. Deposited for registration 13th November, 1866.
- 7th. Not yet received from Registrar's.

The Deed in this case should have been executed soon after the 19th January, according to the practice of the office, but it was accidentally overlooked in the pressure of business until early in November, when attention was called to it by Mr Ogilvie who was informed of the cause of the delay.

I have the honor to be, Sir,
Your obedient servant,

T. BOUTHILLIER,
Sheriff.

GEO. FUTVOYE, Esq.,
Montreal.

(T.)

(1)

REGISTRY OFFICE,
Montreal, January 14, 1867.

SIR,—In a deposition made before me, by Geo. W. Stephens, Advocate, it is stated that shortly after his admission to the Bar of Lower Canada, in 1833, he addressed a letter to the Finance Department, enquiring about Mr. Ryland's sureties, and received an answer to the effect that some of them were dead, but that proceedings were being taken to get new ones.

Will you be good enough to furnish me with a copy of that letter, as well as of the reply thereto.

I have the honor to be, Sir,
Your most obedient servant.

GEO. FUTVOYE,
Commissioner.

WM. DICKINSON, Esq.,
Deputy Inspector General, Ottawa.

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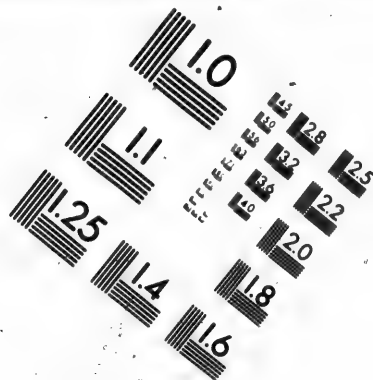
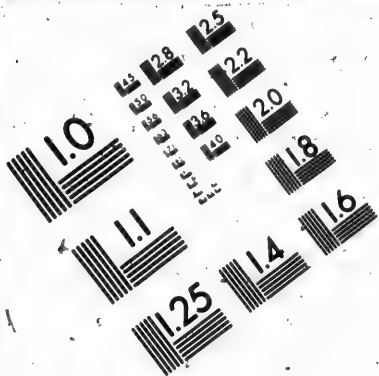
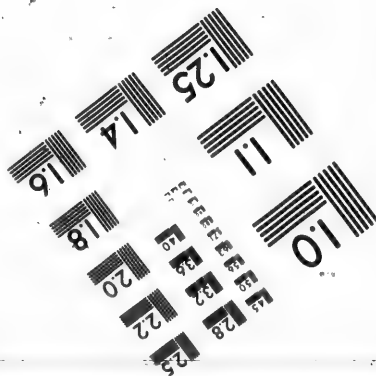
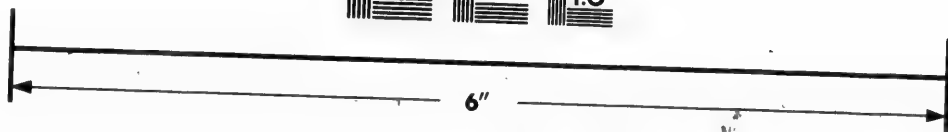
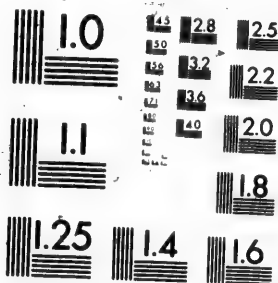


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(2)

INSPECTOR GENERAL'S OFFICE,
Ottawa, 21st January, 1867.

SIR,—In reply to your letter requesting a copy of Mr. Stephens' letter to this Department, I have the honor to inform you that I cannot at present lay my hand upon the letter itself, but I send you a copy of the reply which I wrote him, under date 26th November, 1862, from which the date and substance of the original letter may be gathered.

I have the honor to be, Sir,

Your obedient servant,

WM. DICKINSON,

D. I. G.

GEO. FUTVOYE, Esq.

(3)

INSPECTOR GENERAL'S OFFICE,
Quebec, 26th November, 1862.

SIR,—I have the honor to acknowledge the receipt of your letter of the 24th instant, and in reply beg to inform you that the Registrar for Montreal, on being called upon to furnish a new bond, entered the names of his sureties, who were approved of by the Attorney General, but such bond has not yet been received by this Department. The former sureties for the Registrar are both dead.

I have the honor to be, Sir,

Your obedient servant,

(Signed,)

WM. DICKSON,

Atty. D. I. G.

GEO. W. STEPHENS, Esq.,
Montreal.

(U.)

MONTREAL, January 13, 1866.

SIR,—Mr. Thibault, advocate, of the firm of Thibault & Marsan, advocates, St. Vincent street, is the gentleman whom I referred to as having been kicked out of the Registry Office, he having told me so again this day.

I am, yours truly,

GEO. W. STEPHENS.

GEORGE FUTVOYE, Esq.,
Commissioner, &c.

(V.)

REGISTRY OFFICE,
Montreal, Jan. 15th, 1867.

SIR,—Be good enough to furnish me with answers to the following enquiries, relative to the sale of a property sold in the case *Rousseau vs. Roy*:

1st. When was the property sold?

2nd. When was the certificate of searches asked from the Registrar, and when was it furnished?

3rd. What is the date of the Judgment of Distribution?

4th. Were Messrs. Perkins and Stephens solicited for any sum, and what? If so, has it been paid to them, and when; and if not, what has been the cause of the delay?

I shall feel obliged, if you will at the same time, inform me, whether, to your knowledge or that of your deputy, any extraordinary or undue delay has taken place in the

payment of any sum of money declared payable to those gentlemen or to H. Stephens, Esquire.

I have the honor to be,

Sir,

Your most obedient servant,

GEO. FUTVOYE,
Commissioner.

To the Sheriff of Montreal.

SHERIFF'S OFFICE,

Montreal, 16th January, 1867.

SIR,—In reply to your letter of the 15th instant, I have to make the following answers to the questions therein contained relative to the sale of a property in the case of *Roussseau vs. Roy*.

1st. The property was sold the 29th May, 1866.

2nd. The certificate was demanded from the Registrar of Montreal on the 28th of June, and furnished by him the 16th July following.

3rd. The Judgment of Distribution was homologated the 11th October, 1866; the months of July and August being vacation, during which no *delays* required by law in such cases, run.

4th. Messrs. Perkins & Stephens are collocated in the Judgment for \$105.85, and were paid the same, less the Court House Tax, on the 19th October, 1866.

I am not aware of any case in which there has been any undue delay in the payment of any monies awarded either to those gentlemen or to Harrison Stephens, Esquire.

I have the honor to be,

Sir,

Your obdt. servant,

T. BOUTHILLIER,
Sheriff.

GEO. FUTVOYE, Esq.,
Com. under Cap. 13, C. S. of C.,
Montreal.

SHERIFF'S OFFICE,

Montreal, 21st January, 1867.

SIR,—With reference to your letter of the 15th instant, and my reply thereto of the 16th instant, and specially to that part of your letter by which you request information whether any extraordinary or undue delay has taken place in the payment of any sum of money declared payable to Messrs. Perkins & Stephen, or to Harrison Stephens, Esquire, I beg to add now, that in a case, No. 4159, wherein Mr. John A. Perkins is Plaintiff *vs.* Peter C. Moir *es qualité*, Defendant, a sale of land was made in June last, and a notice served upon the Registrar of Montreal on the 4th July last, to furnish the certificate required by law, which certificate has not yet been furnished, and of course, all proceedings for a distribution of the monies arising from the sale have been thereby delayed.

I have the honor to be, Sir,

Your obt. servt.

T. BOUTHILLIER,
Sheriff.

GEO. FUTVOYE, Esq.,
Com'r. under Cap. 13, C. S. of C.,
Montreal.

(W)

MONTREAL, January 16, 1867.

SIR,—Having twice called upon you to attend and give evidence before me with reference to the office of the Registrar of the Registration Division of Montreal, respecting which I had reason to believe that from the close proximity to that office of the residence of yourself and family, you would afford some information, I am inclined to conclude, from your negligence to obey such summonses, that rumours that have come to my ears are utterly unfounded.

If, however, in the public interest, you have any statement to make in such a shape that credence may be attached to it, I shall be in attendance at the Registry Office, to-day, to-morrow and Friday, when I shall be ready to receive your Deposition,* and in default of you there attending, I must draw my conclusions accordingly.

I have the honor to be,

Sir,

Your most obedient servant,

GEO. FUTVOYE,
Commissioner.

D. Pelletier, Esq., Montreal.

* Vide Deposition No. 55.

